

Senate Bill 210

By: Senators Robertson of the 29th, Miller of the 49th, Payne of the 54th, Kirkpatrick of the 32nd and Brass of the 28th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for definitions relative to registration and licensing of motor vehicles;
3 to provide for certain exceptions to the issuance of license plates, application for motor
4 vehicle registration, and the design and display of license plates and revalidation decals; to
5 provide for procedures, conditions, and standards for the issuance and display of digital
6 license plates on motor vehicles; to provide for duties and rights of digital license plate
7 providers; to authorize the adoption of rules and regulations by the Department of Revenue
8 in relation to such license plates and providers; to provide for surrender of such plates under
9 certain circumstances; to provide for a report to the General Assembly; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
14 amended in Code Section 40-2-1, relating to definitions relative to registration and licensing
15 of motor vehicles, by adding new paragraphs to read as follows:

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16 "(3.1) 'Digital license plate' means a license plate which receives wireless data
17 communication to display information electronically.

18 (3.2) 'Digital license plate provider' means a person approved by the commissioner as a
19 vendor of digital license plate hardware and services to motor vehicle owners pursuant
20 to this article."

21 "(5.1) 'License plate' means a sign affixed to a motor vehicle which displays a series of
22 letters or numbers or both indicating that the vehicle has been registered with this state.
23 Such sign may be in a material made of metal or paper or a device which allows
24 information to be presented electronically in a digital format."

25 **SECTION 2.**

26 Said title is further amended in Code Section 40-2-4, relating to prohibition on the
27 manufacture of plates and decals, by revising subsection (a) as follows:

28 "(a) It Except as otherwise provided for in Article 2B of this chapter, it shall be unlawful
29 for any person, firm, or corporation to make, sell, or issue any license plate or revalidation
30 decal."

31 **SECTION 3.**

32 Said title is further amended in Code Section 40-2-26, relating to form and contents of
33 application for registration, heavy vehicle tax, and satisfactory proof of insurance coverage,
34 by revising subsection (b) as follows:

35 "(b) Application shall be made by the owner of the vehicle upon blanks prepared by the
36 commissioner for such purposes. The application shall contain a statement of the name,
37 place of residence, and address of the applicant; a brief description of the vehicle to be
38 registered, including its name and model, the name of the manufacturer, the manufacturer's
39 vehicle identification number, and its shipping weight and carrying capacity; from whom,
40 where, and when the vehicle was purchased; the total amount of all liens, if any, thereon,

41 with the name and address of the lienholder; and such other information as the
42 commissioner may require. In addition, the commissioner shall provide to an applicant an
43 opportunity to designate an alternative emergency contact telephone number that shall be
44 made available to a law enforcement officer making a vehicle tag inquiry in the course of
45 conducting official law enforcement business. Such application shall include a method for
46 indicating whether the application is for a digital license plate issued pursuant to Article 2B
47 of this chapter."

48 **SECTION 4.**

49 Said title is further amended by revising Code Section 40-2-31, relating to the design, costs
50 of manufacture, delivery, and retention of fees for five-year and annual license plates and
51 revalidation, county, and "In God We Trust" decals, as follows:

52 "40-2-31.

53 (a) If the applicant meets the requirements set forth in this chapter, the commissioner shall
54 issue to the applicant a license plate bearing a distinctive number or a distinctive number
55 to be displayed electronically upon a license plate by a digital license plate provider
56 pursuant to Article 2B of this chapter.

57 (b) Such license plates shall be at least six inches wide and not less than 12 inches in
58 length, except motorcycle license plates which shall be at least four inches wide and not
59 less than seven inches in length, and shall show in boldface characters the month and year
60 of expiration, the serial number, and either the full name or the abbreviation of the name
61 of the state, shall designate the county from which the license plate was issued unless
62 specifically stated otherwise in this chapter, and shall show such other distinctive markings
63 as in the judgment of the commissioner may be deemed advisable, so as to indicate the
64 class of weight of the vehicle for which the license plate was issued; and any license plate
65 for a low-speed vehicle shall designate the vehicle as such. Such plates may also bear such
66 figures, characters, letters, or combinations thereof as in the judgment of the commissioner

67 will to the best advantage advertise, popularize, and otherwise promote Georgia as the
68 'Peach State.' ~~The~~ Except for license plates issued pursuant to Article 2B of this chapter,
69 the license plate shall be of such strength and quality that the plate shall provide a
70 minimum service period of at least five years. The commissioner shall adopt rules and
71 regulations, pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia
72 Administrative Procedure Act,' for the design and issuance of new license plates and to
73 implement the other provisions of this Code section.

74 (b.1) Notwithstanding the provisions of Code Sections 40-2-131 and 48-2-17, the
75 commissioner shall retain the costs of manufacturing and delivery of license plates,
76 revalidation decals, and county name decals from the registration fee as set forth in Code
77 Section 40-2-151; provided, however, that this subsection shall not apply to license plates
78 issued pursuant to Article 2B of this chapter.

79 (c) ~~The~~ Except for license plates issued pursuant to Article 2B of this chapter, the face of
80 the license plate to be displayed shall be treated completely with a retroreflective material
81 which will increase the nighttime visibility and legibility of the plate. The department shall
82 prepare the specifications which such retroreflective material shall meet.

83 (d) In those years in which a new license plate is not issued and the license plate was not
84 issued pursuant to Article 2B of this chapter, a revalidation decal with a distinctive serial
85 number shall be issued and affixed in the space provided on the license plate issued to the
86 applicant which shall indicate the year and month through which the registration of the
87 vehicle shall be valid; provided, however, that if the commissioner determines that it is
88 necessary, two revalidation decals shall be issued for each license plate to reflect the
89 required information. When an applicant is issued a revalidation decal and such applicant
90 registered the vehicle in another county the previous year, the applicant shall also be issued
91 a new county decal which shall be properly affixed to the license plate and shall replace the
92 other county decal.

93 (e) The commissioner shall furnish without cost to each tag agent reflective adhesive
94 decals in sufficient number, upon which there shall be printed the name of the agent's
95 county. Such a decal shall be issued with each metal license plate and shall be affixed in
96 the space provided on the license plate without obscuring any number or other information
97 required to be present on the plate. A tag agent shall offer, upon such issuance of a new
98 ~~permanent metal~~ license plate, the option of obtaining a county decal or a decal providing
99 for the nation's motto, 'In God We Trust.'

100 (f) A county tag agent shall issue a county name decal, upon request, for the agent's county
101 only if:

102 (1) The applicant is a resident of or a business located in the county named on the decal;

103 (2) The applicant is registering a new vehicle in such county, is renewing a current
104 vehicle registration, or is transferring registration of a vehicle to the county named on the
105 decal; ~~and~~

106 (3) The application for registration of the vehicle is being made in the county named on
107 the decal; and

108 (4) The license plate was not issued pursuant to Article 2B of this chapter.

109 (g) The commissioner shall furnish without cost to each tag agent reflective adhesive
110 decals in sufficient number, upon which there shall be printed the nation's motto, 'In God
111 We Trust.' A tag agent shall offer, upon such issuance of a new ~~permanent metal~~ license
112 plate, the option of obtaining a county decal or a decal providing for the nation's motto, 'In
113 God We Trust.' Such a decal shall be issued, upon request and free of charge, by a county
114 tag agent with each new ~~permanent metal~~ license plate."

115 **SECTION 5.**

116 Said title is further amended in Code Section 40-2-33, relating to issuance of license plates
117 and decals, payment and disposition of fees, compensation of tag agents, and required
118 identification, by revising subsection (a) as follows:

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

124 (2) The commissioner may provide for the issuance of a temporary license plate for any
125 low-speed vehicle, to be displayed until such time as a license plate of the design required
126 by Code Section 40-2-31 has been issued to the registrant as a replacement for such
127 temporary license plate; provided, however, that any such temporary license plate shall
128 designate the low-speed vehicle as such; and provided, further, that the commissioner
129 shall make available for issuance low-speed vehicle license plates of the design required
130 by Code Section 40-2-31 not later than September 1, 2002.

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

137 (4) At the time of initial application for registration or at any time during the registration
138 period, a vehicle owner may file with the county tag agent, on a form or electronic form
139 prescribed by the commissioner, a request to have a vehicle license transferred to a digital
140 license plate purchased from a digital license plate provider. Such request to the county
141 tag agent shall include all applicable registration fees. Upon approving the application
142 provided in this paragraph, the commissioner or county tag agent shall furnish the digital
143 license plate provider with the appropriate licensing information to be displayed upon the
144 digital license plate. In accordance with Code Section 40-2-8, a 45 day temporary

145 operating permit shall be issued by the commissioner or county tag agent to an applicant
146 for a digital license plate until such license is received by the applicant."

147 **SECTION 6.**

148 Said title is further amended by adding a new article to read as follows:

149 "ARTICLE 2B

150 40-2-57.

151 (a) Any county tag agent with a satisfactory application for registration pursuant to Code
152 Section 40-2-26 which indicates preference for a digital license plate shall inform the
153 commissioner of such request. Upon a request by a digital license plate provider, the
154 department shall transmit any required data to be displayed upon a digital license plate for
155 an applicant to the digital license plate provider. A county tag agent shall ensure an
156 applicant complies with the requirements for registration pursuant to this chapter.

157 (b) A motor vehicle owner with a digital license plate shall renew the registration annually
158 as provided by this chapter. The department shall notify the digital license plate provider
159 upon satisfactory renewal. Evidence of such renewal shall be displayed upon the digital
160 license plate in a manner that indicates the year and month through which the registration
161 of the vehicle shall be valid. Compliance with this subsection shall satisfy the revalidation
162 decal requirements of this chapter.

163 (c) A digital license plate provider shall be authorized to collect fees for the provision of
164 digital license plate hardware and for services to such license plate. Such fees may include
165 the cost for the manufacture of the digital license plate, the installation of the digital license
166 plate, and any service or repair plan an applicant may elect to purchase.

167 (d) Except as provided for in subsection (b) of this Code section, nothing in this article
168 shall exempt an applicant for a digital license plate from the requirements of Code Sections
169 40-2-8 and 40-2-20.

170 40-2-58.

171 (a) A digital license plate provider shall maintain an inventory of digital license plates in
172 an amount determined to be adequate by the commissioner.

173 (b) The commissioner shall enter in agreements with any digital license plate provider that
174 has been selected by the state to manufacture digital license plates for the State of Georgia.
175 Such agreements shall grant a selected digital license plate provider the authorization to
176 utilize any copyright or copyrights for special license plates as permitted under Code
177 Sections 40-2-60.1, 40-2-86, and 40-2-86.1.

178 (c) Upon notice from the commissioner of a cancelled or revoked registration, a digital
179 license plate provider shall terminate the electronic data transmitted to a digital license
180 plate for such vehicle.

181 (d) Upon express written consent of a vehicle owner, a digital license plate provider shall
182 be authorized to collect and disseminate data relating to location of a motor vehicle in
183 accordance with the terms of any such agreement.

184 40-2-59.

185 The owner of a motor vehicle with a digital license plate may cancel a digital license plate
186 by applying for a metal license plate with the county tag agent as provided for in this
187 chapter and upon notification of cancellation to a digital license plate provider.

188 40-2-59.1.

189 A digital license plate provider shall be authorized to change the digital display or
190 messaging of a digital license plate in compliance with rules and regulations of the

191 department or upon request by a local authority or the department. The commissioner shall
192 be authorized to develop rules and regulations relating to the digital displays, messaging,
193 and personalization of digital license plates. Any rules and regulations relating to the
194 display of emergency messages for the public or Levi's Call: Georgia's Amber Alert
195 Program shall be adopted in consultation with the Department of Public Safety, the Georgia
196 Bureau of Investigation, the Georgia Emergency Management and Homeland Security
197 Agency, and the Georgia Association of Broadcasters.

198 40-2-59.2.

199 On or before January 1, 2024, the commissioner shall submit a report on the
200 implementation of this article to the chairpersons of the Senate Public Safety Committee
201 and the House Committee on Motor Vehicles.

202 40-2-59.3.

203 (a) On or before July 1, 2022, and prior to the issuance of any digital license plate, the
204 commissioner shall promulgate and adopt rules and regulations necessary and appropriate
205 to carry out this article and any other provisions of law relating to the issuance of digital
206 license plates, including, but not limited to, approval of applications and fee collection.
207 Such rules and regulations shall not become effective until October 1, 2022.

208 (b) The commissioner shall be authorized to issue digital license plates for the purpose of
209 testing or studying the effectiveness of digital license plates."

210 **SECTION 7.**

211 Said title is further amended in Code Section 40-2-136, relating to surrender of license plates
212 upon second or subsequent convictions of driving under the influence and special license
213 plate for repeat driving under the influence offenders, by revising subsection (a) as follows:

214 "(a) Upon any person's second or subsequent conviction of violating Code Section
215 40-6-391 within five years, as measured from the dates of previous arrests for which
216 convictions were obtained to the date of the current arrest for which a conviction is
217 obtained, the court shall issue an order requiring that the license plates of all motor vehicles
218 registered in such person's name be surrendered to the court. The court shall notify the
219 commissioner within ten days after issuing any such order, and the commissioner shall
220 revoke each such license plate upon receiving such notice and, if such license plate is a
221 digital license plate, shall inform the digital license plate provider of the revocation. The
222 court shall issue a receipt for the surrendered license plate or plates. The court shall
223 forward the surrendered license plate or plates to the local tag agent immediately upon
224 receipt; provided, however, that if the surrendered license plate is a digital license plate,
225 the court shall allow such person to retain the digital license plate. For purposes of this
226 subsection, a plea of nolo contendere shall constitute a conviction."

227

SECTION 8.

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