

House Bill 399

By: Representatives Jones of the 167th, Kelley of the 16th, Clark of the 98th, Dempsey of the 13th, Cheokas of the 138th, and others

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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 engaged in the business of providing
19 digital license plate hardware and services to motor vehicle owners pursuant to this
20 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 chapter 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 chapter 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
47 2B of this chapter."

48 **SECTION 4.**

49 Said chapter is further amended by revising Code Section 40-2-31, relating to the design,
50 costs of manufacture, delivery, and retention of fees for five-year and annual license plates
51 and 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 chapter is further amended in Code Section 40-2-33, relating to issuance of license
 117 plates 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) If the license plate applied for is a digital license plate, the application shall be
 138 approved and forwarded to the commissioner, who, upon receipt of a proper and
 139 approved application and a request for information relating to the applicant from a digital
 140 license plate provider, shall furnish the digital license plate provider with the information
 141 to be displayed upon the digital license plate. Until such digital license plate is received
 142 by the applicant from a digital license plate provider, the applicant may operate the
 143 vehicle without a license plate upon the receipt issued to him or her by the tag agent."

144 **SECTION 6.**

145 Said chapter is further amended by adding a new article to read as follows:

146 "ARTICLE 2B

147 40-2-57.

148 (a) Any county tag agent with a satisfactory application for registration pursuant to Code
 149 Section 40-2-26 which indicates preference for a digital license plate shall inform the
 150 commissioner of such request. Upon a request by a digital license plate provider, the
 151 department shall transmit any required data to be displayed upon a digital license plate for
 152 an applicant to the digital license plate provider.

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

159 (c) A digital license plate provider shall be authorized to collect fees for the provision of
 160 digital license plate hardware and for services to such license plate. Such fees may include
 161 the cost for the manufacture of the digital license plate, the installation of the digital license
 162 plate, and any service or repair plan an applicant may elect to purchase. A digital license
 163 plate provider may enter into contracts for the monthly payment of such fees, provided that
 164 such contracts comply with the usury and interest laws set forth in Chapter 4 of Title 7.

165 40-2-58.

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

168 (b) The commissioner shall grant a digital license plate provider the same authorization
 169 granted to the State of Georgia for the use of any copyright or copyrights for special license
 170 plates authorized under Article 3 of this chapter.

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

174 40-2-59.

175 The owner of a motor vehicle with a digital license plate may cancel a digital license plate
 176 by applying for a metal license plate with the county tag agent as provided for in this
 177 chapter and upon notification of cancellation to a digital license plate provider. A digital
 178 license plate provider shall have a right of action against the owner of a motor vehicle who
 179 elects to cancel a digital license plate for any fees owed.

180 40-2-59.1.

181 The commissioner shall be authorized to develop rules and regulations relating to the
 182 digital displays, messaging, and personalization of digital license plates. Any rules and
 183 regulations relating to the display of emergency messages for the public or Levi's Call:
 184 Georgia's Amber Alert Program shall be adopted in consultation with the Department of
 185 Public Safety, the Georgia Bureau of Investigation, the Georgia Emergency Management
 186 and Homeland Security Agency, and the Georgia Association of Broadcasters."

187 **SECTION 7.**

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

192 "(a) Upon any person's second or subsequent conviction of violating Code Section
 193 40-6-391 within five years, as measured from the dates of previous arrests for which
 194 convictions were obtained to the date of the current arrest for which a conviction is
 195 obtained, the court shall issue an order requiring that the license plates of all motor vehicles
 196 registered in such person's name be surrendered to the court. The court shall notify the
 197 commissioner within ten days after issuing any such order, and the commissioner shall
 198 revoke each such license plate upon receiving such notice and, if such license plate is a

199 digital license plate, shall inform the digital license plate provider of the revocation. The
200 court shall issue a receipt for the surrendered license plate or plates. The court shall
201 forward the surrendered license plate or plates to the local tag agent immediately upon
202 receipt; provided, however, that if the surrendered license plate is a digital license plate,
203 the court shall allow such person to retain the digital license plate. For purposes of this
204 subsection, a plea of nolo contendere shall constitute a conviction."

205 **SECTION 8.**

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