

This does not constitute tax advice. All persons considering use of available incentives should consult with their own tax professional to determine eligibility, specific amount of benefit available, if any, and further details.

## STATE OF GEORGIA

# Electric Vehicle Single Occupancy Use of HOV Lane

Short Description: Unlimited use of HOV lane for properly licensed electric vehicle

Beneficiary: Driver of a properly licensed qualified electric vehicle registered in the State of Georgia

Type of Incentive: Transportation

Effective Dates: Current benefit, no sunset date

Value of Benefit: Non-cash benefit. The special clean fuel license plate application has been reproduced below.

### Full Description:

Alternative Fuel Vehicles (AFV's) displaying the proper alternative fuel license plate are allowed to use HOV lanes, regardless of the number of passengers (§32-9-4). Alternate fuel vehicles must have the proper license plate in order to benefit from this privilege.

### State Statutory references:

Georgia Statute 32-9-4

- <http://www.lexis-nexis.com/hottopics/gacode/default.asp> (reproduced below)

### Other Link(s):

- [http://motor.etax.dor.ga.gov/forms/pdf/motor/MV\\_Application\\_Verification\\_Alternative\\_Fuel\\_License\\_Form\\_AFV.pdf](http://motor.etax.dor.ga.gov/forms/pdf/motor/MV_Application_Verification_Alternative_Fuel_License_Form_AFV.pdf)  
(Application for Clean Fuel Plates)
- <http://www.afdc.energy.gov/afdc/laws/law/GA/5183> (AFDC website)

Contact Info: Georgia Motor Vehicle Division: 1-404-968-3800

## O.C.G.A. § 32-9-4

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\*\*\* Current Through the 2010 Regular Session \*\*\*  
\*\*\* Annotations Current Through October 29, 2010 \*\*\*

TITLE 32. HIGHWAYS, BRIDGES, AND FERRIES  
CHAPTER 9. MASS TRANSPORTATION

## O.C.G.A. § 32-9-4 (2011)

## § 32-9-4. Designation of travel lanes; use of such lanes

(a) The department is authorized to designate travel lanes in each direction of travel on any road in the state highway system for the exclusive or preferential use of:

- (1) Buses;
- (2) Motorcycles;
- (3) Passenger vehicles occupied by two persons or more;
- (4) Vehicles bearing alternative fueled vehicle license plates issued under paragraph (7) of subsection (l) of Code Section 40-2-86.1; or
- (5) Other vehicles as designated by the department.

Where such designation has been made, the road shall be appropriately marked with such signs or other roadway markers and markings to inform the traveling public of the lane restrictions imposed.

(a.1) Upon approval through either legislative action in the United States Congress or regulatory action by the United States Department of Transportation to permit hybrid vehicles with fewer than two occupants to operate in a high occupancy vehicle lane, the department shall authorize hybrid vehicles, as defined in Code Section 40-2-76, to use the travel lanes designated for such vehicles as provided in paragraph (4) of subsection (a) of this Code section.

(b) No driver of any vehicle not authorized to be operated in a lane designated and signed for exclusive use shall operate such vehicle in such lane except to execute turning movements or in an emergency situation. Any person who violates this subsection shall be guilty of a misdemeanor, punishable as provided for in Code Section 40-6-54.

(c) No traffic lane shall be designated and signed for exclusive use pursuant to subsection (a) of this Code section without the approval of the State Transportation Board.

(d) The department is authorized to promulgate necessary rules and regulations in order to carry out the purposes of this Code section.

**HISTORY:** Code 1933, § 95A-1304, enacted by Ga. L. 1977, p. 817, § 2; Ga. L. 1993, p. 363, § 1; Ga. L. 1997, p. 1589, § 1; Ga. L. 2003, p. 450, § 2; Ga. L. 2010, p. 9, § 1-61/HB 1055.



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O.C.G.A. § 40-2-86.1

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\*\*\* Current Through the 2010 Regular Session \*\*\*  
\*\*\* Annotations Current Through October 29, 2010 \*\*\*

TITLE 40. MOTOR VEHICLES AND TRAFFIC  
CHAPTER 2. REGISTRATION AND LICENSING OF MOTOR VEHICLES  
ARTICLE 3. PRESTIGE LICENSE PLATES AND SPECIAL PLATES FOR CERTAIN PERSONS AND VEHICLES

O.C.G.A. § 40-2-86.1 (2011)

§ 40-2-86.1. Special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations -- Plates to identify persons with diabetes, honor veterans of the armed services, and honor the Georgia Association of Realtors

(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 must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed an amount to be determined by the commissioner. 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.

(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 Communication Commission. The special license plate shall be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communication 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 the 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 methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more or such other percentage, but not less than 70 percent, as determined by the United States secretary of energy, by rule as it existed on January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle functions, by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; electricity including electricity from solar energy; and any other fuel the United States secretary of energy determined by rule as it existed on January 1, 1997, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

(ii) "Alternative fueled vehicle" means:

(I) Any vehicle fueled by alternative fuel as defined in division (i) of this subparagraph; or

(II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy from onboard sources of stored energy which include an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system; and, in the case of a passenger automobile or light truck, means for any 2000 and later model, a vehicle which has received a certificate of conformity under the Clean Air Act, 42 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California low-emission vehicle standard under Section 243(e)(2) of the Clean Air Act, 42 U.S.C. Section 7583(c)(2), for that make and model year or, for any 2004 and later model, a vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42 U.S.C. Section 7521(i), for that make and model year vehicle and which achieves a composite label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA composite class average for the same vehicle class and which is made by a manufacturer.

(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 personal transportation, who are firefighters certified pursuant to Article 1 of 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 certified 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 certified firefighter. The chiefs of the various fire departments shall furnish to the commissioner a list of the certified firefighters of their fire departments who reside in Georgia which list shall be updated as necessary. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) Should a certified 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 chief of such fire department shall obtain the separated member's license plate at the time of the separation and shall forward same to the commissioner along with a certificate to the effect that such person has been separated, and thereupon the commissioner shall reissue a regular license plate, at no additional charge, to such former certified firefighter to replace the special and distinctive plate. Should a certified firefighter return to service with the same or another fire department, the chief of such fire department shall likewise 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 plate. Upon such request for a change in plate for a certified firefighter who is separated from a fire department, the chief of the fire department shall furnish such member with a copy of the chief's letter to the commissioner requesting the appropriate change in plate, which copy of such letter may be used by such member pending the issuance of the new plate.

(C) Motor vehicle owners who were firefighters certified pursuant to Article 1 of 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.

(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.



## Application and Verification for Issuance of an Alternative Fuel License Plate

Applicant's Full Legal Name:		
Applicant's Residence Address Including City, State & Zip Code:		County of Residence:
Daytime Telephone Number Including Area Code:	Owner's Driver's License Number:	
Make and Model of Vehicle	Year	Vehicle Identification Number (V.I.N.)

An Alternative Fueled vehicle is any vehicle fueled by an alternative fuel, as described in O.C.G.A. §40-2-76 (a)(2)(A) or (B).

Please check below the alternative fuel license type & location where you intend to purchase such fuel.	Brand of Fuel (except Electricity or Solar Energy):		
<input type="checkbox"/> Compressed Natural Gas (CNG) or Propane (LPG)	Fuel will primarily be purchased in:		
<input type="checkbox"/> Ethanol (E85)	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">City</td> <td style="width: 50%; border: none;">County</td> </tr> </table>	City	County
City	County		
<input type="checkbox"/> Electricity or Solar Energy			

### Applicants Verification of Information Provided

By signing this application, you are affirming that you:

1. Own and operate an approved alternative fuel vehicle
2. Will purchase approved alternative fuel primarily at the location indicated on this application
3. Will operate this vehicle on the alternative fuel checked above not less than 85% of the total time the vehicle is in operation.

By signing this application you are affirming, under penalties of false swearing, that the statement and answers made by you are true and correct, and that if there are any change in the facts represented on this application you shall immediately surrender the license plate to your county tag office or your registration shall be revoked.

Applicant's Signature:	Date:
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## Department of Revenue Rules:

### 560-10-30-0-.12 Application and Verification for Issuance of an Alternative Fuel License Plate

- (1) The terms "alternative fuel" and "alternative fueled vehicle," shall have the same meaning as set forth in the Code.
- (2) Any person may apply for an Alternative Fuel license plate by completing and signing an Alternative Fuel license plate application in the form prescribed by the Commissioner
- (3) The Alternative Fuel license plate application shall contain all of the following:
  - a. Description of the alternative fueled vehicle ("Vehicle") including
    1. The make, model and Vehicle Identification Number (VIN) of the Vehicle
    2. The type of approved alternative fuel that will be used to operate the Vehicle and the primary location where the applicant will purchase the alternative fuel.
  - b. Information concerning the owner(s);
    1. Legal name and address
    2. Georgia drivers license number
  - c. Certification by the applicant(s) that:
    1. The vehicle is designated by Georgia Department of Natural Resources (DNR) as an alternative fueled vehicle.
    2. The owner will purchase and operate the Vehicle with alternative fuel primarily purchased at the location listed on the application.
    3. The owner will operate the Vehicle on the alternative fuel stated in the application not less than eighty-five (85%) of the total time that the said vehicle is in operation per year
    4. The owner will maintain the receipts for purchases of alternative fuel, for three (3) calendar years. The receipts shall be available for a compliance review upon request of a Federal, County or County official.
    5. Upon a substantive change in the application information certified by the owner, the owner shall surrender the Alternative Fuel license plate to the County Tax Commissioner or the owner's registration shall be revoked by DOR.
- (4) An annual renewal application shall be submitted for an Alternative Fuel License Plate.

Authority: O.C.G.A. §§ 40-2-76, 48-2-12