

The House Committee on Motor Vehicles offers the following substitute to HB 1613:

A BILL TO BE ENTITLED
AN ACT

1 To provide for operation of off-road vehicles on certain unpaved highways and insurance,
2 registration, titling, and equipment requirements related thereto; to amend Code Section
3 33-34-2 of the Official Code of Georgia Annotated, relating to definitions relative to motor
4 vehicle accident reparations, so as to redefine a term; to amend Title 40 of the Official Code
5 of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain
6 provisions relating to registration and license requirements and penalties; to change certain
7 provisions relating to registration of motor vehicles not manufactured to comply with federal
8 emission and safety standards applicable to new motor vehicles; to change certain provisions
9 relating to requirement of compliance with federal safety standards; to change certain
10 provisions relating to operating restrictions for off-road vehicles; to change certain provisions
11 relating to authority to regulate time periods and to establish zones of use of off-road
12 vehicles; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to definitions
15 relative to motor vehicle accident reparations, is amended by striking paragraph (2) and
16 inserting in lieu thereof the following:
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18 "(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a
19 kind required to be registered under the laws of this state relating to motor vehicles
20 designed primarily for operation upon the public streets, roads, and highways and driven
21 by power other than muscular power or any off-road vehicle used on unpaved highways
22 to any extent permitted by Chapter 7 of Title 40. The term includes a trailer drawn by or
23 attached to such a vehicle."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by striking paragraph (1) of subsection (a) of Code Section 40-2-20, relating to registration and license requirements and penalties, and inserting in lieu thereof the following:

"(a)(1) Except as provided in subsection (b) of this Code section, every owner of a motor vehicle designed for use on public highways, ~~including a tractor, or motorcycle, and every owner of a trailer, or off-road vehicle used on unpaved highways to any extent permitted by Chapter 7 of this title~~ shall, except as provided in paragraph (3) of this subsection, during the owner's registration period in each year, register such vehicle as provided in this chapter and obtain a license to operate it for the 12 month period until such person's next registration period. The purchaser or other transferee owner of every such new or used motor vehicle, ~~including tractors and motorcycles~~ tractor, or trailer, or off-road vehicle shall, within the initial registration period of such vehicle, register such vehicle as provided in this chapter 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. 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."

1 "40-7-4.

2 Any person operating an off-road vehicle under any of the following conditions shall be
3 deemed to be in violation of this chapter and subject to the penalties provided in Code
4 Section 40-7-6:

5 (1) Without operative brakes or without mufflers or other silencing equipment;

6 (2) On any private property without the express written permission of the owner of the
7 property or his or her agent.;

8 (3) On any unpaved highway unless such use is permitted as provided by Code Section
9 40-7-5; or

10 (4) On any paved highway except when directly crossing the same at its intersection with
11 an unpaved highway on which use of such off-road vehicle is permitted under
12 paragraph (3) of this Code section."

13 SECTION 6.

14 Said title is further amended by striking Code Section 40-7-5, relating to authority to regulate
15 time periods and to establish zones of use of off-road vehicles, and inserting in lieu thereof
16 the following:

17 "40-7-5.

18 (a)~~(1) Incorporated towns and municipalities~~ Municipalities and counties shall have the
19 authority to adopt ordinances consistent with state laws or regulations to regulate time
20 periods and zones of off-road use for off-road vehicles.

21 (2) Counties may, by ordinance, permit the daytime use of off-road vehicles on unpaved
22 highways which are part of their respective county road systems and have a maximum
23 speed limit not exceeding 45 miles per hour. Any such vehicle shall be required to meet
24 the same equipment requirements as those which are applicable to motorcycles under
25 Chapter 8 of this title. Persons operating off-road vehicles on unpaved highways shall
26 be subject to the same requirements as are applicable to operators of motorcycles under
27 Chapter 6 of this title.

28 (b) Agencies of state government shall have the authority to adopt rules and regulations
29 to regulate time periods and zones for use for off-road vehicles on property under their
30 jurisdiction or management."

31 SECTION 7.

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