

House Bill 1695

By: Representative Bannister of the 77<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to definitions  
14 relative to motor vehicle accident reparations, is amended by striking paragraph (2) and  
15 inserting in lieu thereof the following:

16 "(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a  
17 kind required to be registered under the laws of this state relating to motor vehicles  
18 designed primarily for operation upon the public streets, roads, and highways and driven  
19 by power other than muscular power or any off-road vehicle used on highways to any  
20 extent permitted by Chapter 7 of Title 40. The term includes a trailer drawn by or  
21 attached to such a vehicle."

22 style="text-align:center">**SECTION 2.**

23 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
24 amended by striking paragraph (1) of subsection (a) of Code Section 40-2-20, relating to

1 registration and license requirements and penalties, and inserting in lieu thereof the  
2 following:

3 "(a)(1) Except as provided in subsection (b) of this Code section, every owner of a motor  
4 vehicle designed for use on public highways, ~~including a tractor, or motorcycle, and~~  
5 ~~every owner of a trailer, or off-road vehicle used on highways to any extent permitted~~  
6 by Chapter 7 of this title shall, except as provided in paragraph (3) of this subsection,  
7 during the owner's registration period in each year, register such vehicle as provided in  
8 this chapter and obtain a license to operate it for the 12 month period until such person's  
9 next registration period. The purchaser or other transferee owner of every such new or  
10 used motor vehicle, ~~including tractors and motorcycles~~ tractor, or trailer, or off-road  
11 vehicle shall, within the initial registration period of such vehicle, register such vehicle  
12 as provided in this chapter and obtain or transfer as provided in this chapter a license to  
13 operate it for the period remaining until such person's next registration period which  
14 immediately follows such initial registration period, without regard to whether such next  
15 registration period occurs in the same calendar year as the initial registration period or  
16 how soon such next registration period follows the initial registration period; provided,  
17 however, that this registration and licensing requirement does not apply to a dealer which  
18 acquires a new or used motor vehicle and holds it for resale. No person, company, or  
19 corporation, including, but not limited to, used motor vehicle dealers and auto auctions,  
20 shall sell or transfer a motor vehicle without providing to the purchaser or transferee of  
21 such motor vehicle the last certificate of registration on such vehicle at the time of such  
22 sale or transfer; provided, however, that in the case of a salvage motor vehicle or a motor  
23 vehicle which is stolen but subsequently recovered by the insurance company after  
24 payment of a total loss claim, the salvage dealer or insurer, respectively, shall not be  
25 required to provide the certificate of registration for such vehicle; and provided, further,  
26 that in the case of a repossessed motor vehicle or a court ordered sale or other involuntary  
27 transfer, the lienholder or the transferor shall not be required to provide the certificate of  
28 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the  
29 license plate of such vehicle to the commissioner or the county tag agent by personal  
30 delivery or by certified mail or statutory overnight delivery for cancellation."

31 **SECTION 2.**

32 Said title is further amended by striking subsection (a) of Code Section 40-2-27, relating to  
33 registration of motor vehicles not manufactured to comply with federal emission and safety  
34 standards applicable to new motor vehicles, and inserting in lieu thereof the following:

35 "(a) No application shall be accepted and no certificate of registration shall be issued to  
36 any motor vehicle designed for use on highways which was not manufactured to comply

1 with federal emission and safety standards applicable to new motor vehicles as required by  
 2 42 U.S.C.A. Section 7401 through Section 7642, known as the Clean Air Act, as amended,  
 3 and as required by 15 U.S.C.A. Section 1381 through Section 1431, known as the National  
 4 Traffic and Motor Vehicle Safety Act of 1966, as amended, unless and until the United  
 5 States Customs Service or the United States Department of Transportation has certified  
 6 that the motor vehicle complies with such applicable federal standards and unless all  
 7 documents required by the commissioner for processing an application for a certificate of  
 8 registration or title are printed and filled out in the English language or are accompanied  
 9 by an English translation."

### 10 SECTION 3.

11 Said title is further amended by striking subsection (a) of Code Section 40-3-30, relating to  
 12 requirement of compliance with federal safety standards, and inserting in lieu thereof the  
 13 following:

14 "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be  
 15 accepted and no certificate of title shall be issued to any motor vehicle designed for use on  
 16 highways which was not manufactured to comply with federal safety standards applicable  
 17 to new motor vehicles as required by 15 U.S.C.A. Section 1381 through Section 1431,  
 18 known as the National Traffic and Motor Vehicle Safety Act of 1966, as amended, unless  
 19 and until the United States Customs Service or the United States Department of  
 20 Transportation has certified that the motor vehicle complies with such applicable federal  
 21 standards and unless all documents required by the commissioner for processing an  
 22 application for a certificate of registration or title are printed and filled out in the English  
 23 language or are accompanied by an English translation."

### 24 SECTION 4.

25 Said title is further amended by striking Code Section 40-7-4, relating to operating  
 26 restrictions for off-road vehicles, and inserting in lieu thereof the following:

27 "40-7-4.

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

- 31 (1) Without operative brakes or without mufflers or other silencing equipment;
- 32 (2) On any private property without the express written permission of the owner of the  
 33 property or his or her agent;
- 34 (3) On any highway which is part of the state highway system or any municipal street  
 35 system; or

1 (4) On any highway which is part of a county road system unless the off-road vehicle is  
2 registered as provided by Code Section 40-2-20 and the off-road vehicle meets the same  
3 equipment requirements as those which are applicable to motorcycles under Chapter 8  
4 of this title."

5 **SECTION 5.**

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