

The House Committee on Motor Vehicles offered the following substitute to HB 1389:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to change certain provisions regarding income tax credits for low and zero
3 emission vehicles; to provide for additional procedures, conditions, and limitations with
4 respect to such credit; to amend Title 40 of the Official Code of Georgia Annotated, relating
5 to motor vehicles and traffic, so as to regulate low-speed vehicles; to redefine a term; to
6 define a term; to change certain provisions relating to registration of motor vehicles not
7 manufactured to comply with federal emission and safety standards applicable to new motor
8 vehicles; to change certain provisions relating to requirement of compliance with federal
9 safety standards; to provide special uniform rules of the road for low-speed vehicles; to
10 provide equipment requirements for low-speed vehicles; to provide for exceptions to motor
11 vehicle licensing and registration requirements; to provide for exclusions from titling; to
12 provide for daylight operation of certain motor vehicles; to provide for authority for certain
13 motor vehicles to operate on streets pursuant to ordinance; to provide an effective date; to
14 repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

16 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
17 amended by striking subsection (e) of Code Section 48-7-40.16, relating to income tax
18 credits for low and zero emission vehicles, and inserting in its place a new subsection (e) to
19 read as follows:
20

21 "(e) The credits granted under this Code section shall be subject to the following
22 conditions and limitations:

23 (1) All claims for any credit provided by subsection (b) of this Code section shall be:

24 (A) Accompanied by a certification approved by the Environmental Protection
25 Division of the Department of Natural Resources; and

1 (B) Made only by a taxpayer who is the owner of a new clean fueled vehicle, as
 2 evidenced by the certificate of title issued for such vehicle; provided, however, that if
 3 a new clean fueled vehicle is leased to a taxpayer at retail, the taxpayer who is the
 4 lessee shall be entitled to claim the credit; provided, further, that only one taxpayer
 5 shall be eligible to claim any credit provided by subsection (b) of this Code section;

6 (2) All claims for any credit provided by subsection (c) of this Code section must be
 7 accompanied by a certification issued by the Environmental Protection Division of the
 8 Department of Natural Resources;

9 (3) All claims for any credit provided by subsection (d) of this Code section shall be:

10 (A) Accompanied by a certification issued by the seller where the new electric vehicle
 11 charger was purchased or leased; and

12 (B) Made only by a taxpayer who is the ultimate purchaser or lessee of a new electric
 13 vehicle charger at retail;

14 (4) Any credit claimed under this Code section but not used in any taxable year may be
 15 carried forward for five years from the close of the taxable year in which a new clean
 16 fueled vehicle was purchased or leased or a conventionally fueled vehicle was changed
 17 into a converted vehicle, provided that the applicable certification required in
 18 paragraph (1) or ~~2~~(2) of this subsection accompanies any such claim; ~~and~~

19 (5) In no event shall the amount of any tax credit provided in this Code section exceed
 20 the taxpayer's income tax liability; ~~and~~

21 (6) Tax credits authorized in this Code section shall be granted to a taxpayer who
 22 purchased or leased and placed in service in Georgia a new low-emission vehicle or zero
 23 emission vehicle, which also is a low-speed vehicle, during the taxable year ending
 24 December 31, 2001, only. For purposes of this paragraph, the term 'low-speed vehicle'
 25 means a low-speed vehicle as defined in paragraph (25.1) of Code Section 40-1-1. Any
 26 claim for such credit must be accompanied by a manufacturer's statement of origin issued
 27 to a dealer registered in Georgia which certifies that the low-speed vehicle was
 28 manufactured in compliance with those federal motor vehicle safety standards set forth
 29 in 49 C.F.R. Section 571.500 and in effect on January 1, 2001, as well as any other
 30 documentation deemed necessary by the commissioner to establish the date that delivery
 31 was made and such vehicle was placed in service. A taxpayer shall only be eligible to
 32 claim such credit with respect to a single low-speed vehicle."

33 SECTION 2.

34 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 35 amended in Code Section 40-1-1, relating to definitions, by striking paragraph (41) and
 36 inserting in lieu thereof the following:

- 1 (8) A self-propelled wheelchair or invalid tricycle;
- 2 (9) A pole trailer;
- 3 (10) Motor buses used for the transportation of persons by a street railroad or other
4 company engaged in the operation of an urban transit system over fixed routes;
- 5 (11) A boat trailer;
- 6 (12) A homemade trailer;
- 7 (13) A device used exclusively upon stationary rails or tracks or which obtains motive
8 power from fixed overhead electric wires;
- 9 (14)(A) A vehicle, other than a mobile home or crane, the model year of which is prior
10 to 1986.
- 11 (B) The owner of any vehicle which has a valid certificate of title and which becomes
12 subject to the exclusion provided in subparagraph (A) of this paragraph may retain the
13 certificate of title. Each subsequent transferee of any vehicle covered by subparagraph
14 (A) of this paragraph, for which the certificate of title has been retained, may obtain a
15 certificate of title by complying with Code Section 40-3-32. However, the failure of
16 any subsequent transferee to comply with Code Section 40-3-32 shall preclude
17 transferees subsequent to that transferee from obtaining a certificate of title. The
18 department shall maintain such records as may be necessary to allow owners to obtain
19 a certificate of title under this subparagraph. No certificate of title authorized to be
20 issued under this subparagraph shall be issued under Code Section 40-3-28.
- 21 (C)(i) A security interest in or lien against a vehicle which is subject to the exclusion
22 provided for in subparagraph (A) of this paragraph and which arises after such vehicle
23 becomes subject to the operation of subparagraph (A) of this paragraph may be
24 perfected in the same manner as such security interests and liens are perfected on
25 vehicles required by this chapter to have certificates of title.
- 26 (ii) The transferee of any vehicle which is subject to the exclusion provided for in
27 subparagraph (A) of this paragraph, regardless of whether that vehicle has a certificate
28 of title issued pursuant to subparagraph (B) of this paragraph, shall take such vehicle
29 subject to any security interest or lien perfected under this paragraph;
- 30 (15)(A) Except as provided in subparagraph (B) of this paragraph, a trailer with an
31 unladen gross weight of 2,000 pounds or less.
- 32 (B) The exclusion provided in subparagraph (A) of this paragraph shall not apply to
33 a travel trailer or camper, regardless of its unladen gross weight;
- 34 (16) A vehicle which is not sold for the purpose of lawful highway use;
- 35 (17) A vehicle with a model year prior to 1963; or
- 36 (18) A moped."

SECTION 7.

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

"(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be accepted and no certificate of title shall be issued to any motor vehicle which was not manufactured to comply with applicable federal motor vehicle safety standards ~~applicable to new motor vehicles as required by 15 U.S.C.A. Section 1381 through Section 1431, known as the National Traffic and Motor Vehicle Safety Act of 1966, as amended~~ issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards and unless all documents required by the commissioner for processing an application for a certificate of registration or title are printed and filled out in the English language or are accompanied by an English translation."

SECTION 8.

Said title is further amended by striking Code Section 40-6-330, relating to daylight operations, and inserting in its place a new Code Section 40-6-330 to read as follows:

"40-6-330.

Motorized carts may be operated on streets only during daylight hours unless they comply with the equipment regulations promulgated by the commissioner of motor vehicle safety."

SECTION 9.

Said title is further amended by striking Code Section 40-6-331, relating to authority to operate on streets granted by ordinance, and inserting in its place a new Code Section 40-6-331 to read as follows:

"40-6-331.

(a) A local governing authority may, by ordinance, designate certain public streets or portions thereof for the combined use of motorized carts and regular vehicular traffic and establish the conditions under which motorized carts may be operated upon such streets or portions thereof.

(b) Such ordinances may establish operating standards but shall not require motorized carts to meet any requirements of general law as to registration, inspection, or licensing; provided, however, that a local governing authority may, by ordinance, require the registration and licensing of such carts operated within its boundaries for a fee not to exceed \$15.00, the license to remain permanently with such cart unless such cart is sold or

1 the license is destroyed. The provisions of this subsection and the authority granted by this
 2 subsection shall not apply to motorized carts owned by golf courses, country clubs, or other
 3 such organized entities which own such carts and make them available to members or the
 4 public on a rental basis.

5 (c) Ordinances establishing operating standards shall not be effective unless appropriate
 6 signs giving notice are posted along the public streets affected.

7 (d) Motorized carts may cross streets and highways under the jurisdiction of the
 8 Department of Transportation only at crossings or intersections designated for that purpose
 9 by the department."

10 **SECTION 10.**

11 Said title is further amended in Article 13 of Chapter 6, relating to special provisions of
 12 uniform rules of the road for certain vehicles, by adding a new Part 5 to read as follows:

13 "Part 5

14 40-6-360.

15 Every person operating a low-speed vehicle shall be granted all the rights and shall be
 16 subject to all the duties applicable to the driver of any other vehicle under this chapter
 17 except as to special regulations in this part and except as to those provisions of this chapter
 18 which by their nature can have no application.

19 40-6-361.

20 (a) All low-speed vehicles are entitled to full use of a lane, and no motor vehicle shall be
 21 driven in such a manner as to deprive any low-speed vehicle of the full use of a lane.

22 (b) The operator of a low-speed vehicle shall not overtake and pass in the same lane
 23 occupied by the vehicle being overtaken.

24 (c) No person shall operate a low-speed vehicle between lanes of traffic or between
 25 adjacent lines or rows of vehicles.

26 (d) Low-speed vehicles shall not be operated two or more abreast in a single lane.

27 40-6-362.

28 (a) Low-speed vehicles may be operated on any highway where the posted speed limit
 29 does not exceed 35 miles per hour. Except as provided in subsection (b) of this Code
 30 section, the operator of a low-speed vehicle shall not operate such vehicle on any highway
 31 where the posted speed limit exceeds 35 miles per hour.

1 (b) The operator of a low-speed vehicle may cross a highway with a speed limit exceeding
2 35 miles per hour if such crossing begins and ends on a highway with a speed limit not
3 exceeding 35 miles per hour."

4 **SECTION 11.**

5 Said title is further amended in Article 1 of Chapter 8, relating to equipment of motor
6 vehicles generally, by adding a new Part 7 to read as follows:

7 "Part 7

8 40-8-120.

9 Low-speed vehicles shall comply with those federal motor vehicle safety standards for
10 low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001,
11 and shall be subject to no other safety equipment requirements."

12 **SECTION 12.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

15 **SECTION 13.**

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