

House Bill 1389 (FLOOR SUBSTITUTE) (AM)

By: Representatives Powell of the 23rd, Parham of the 122nd, Roberts of the 162nd, Yates of the 106th, Bulloch of the 180th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to
2 definitions relative to motor vehicle accident reparations, so as to define a term; to amend
3 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so
4 as to regulate low-speed vehicles; to change certain provisions relating to definitions; to
5 provide for exceptions to motor vehicle licensing and registration requirements; to change
6 certain provisions relating to registration of motor vehicles not manufactured to comply with
7 federal emission and safety standards applicable to new motor vehicles; to change certain
8 provisions relating to five-year and annual license plates, license plate design, revalidation,
9 and county decals; to provide for exclusions from titling; to change certain provisions
10 relating to requirement of compliance with federal safety standards; to provide for daylight
11 operation of certain motor vehicles; to provide for authority for certain motor vehicles to
12 operate on streets pursuant to ordinance; to provide special uniform rules of the road for
13 low-speed vehicles; to provide an effective date; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

20 "(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a kind
21 required to be registered under the laws of this state relating to motor vehicles designed
22 primarily for operation upon the public streets, roads, and highways and driven by power
23 other than muscular power. The term includes a trailer drawn by or attached to such a
24 vehicle and also includes without limitation a low-speed vehicle."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-1-1, relating to definitions, by inserting a new paragraph to read as follows:

"(25.1) 'Low-speed vehicle' means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001."

SECTION 3.

Said title is further amended in said Code Section 40-1-1 by striking paragraph (41) and inserting in lieu thereof the following:

"(41) 'Passenger car' means every motor vehicle, except motorcycles ~~and~~ motor driven cycles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons."

SECTION 4.

Said title is further amended by striking subsection (b) of Code Section 40-2-20, relating to registration and licensing of motor vehicle and exceptions, and inserting in its place a new subsection (b) to read as follows:

"(b) Subsection (a) of this Code section shall not apply:

(1) To any motor vehicle or trailer owned by the state or any municipality or other political subdivision of this state and used exclusively for governmental functions except to the extent provided by Code Section 40-2-37;

(2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

(2.1) To any vehicle or equipment used for transporting cargo or containers between and within wharves, storage areas, or terminals within the facilities of any port under the jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being operated upon any public road not part of The Dwight D. Eisenhower System of Interstate and Defense Highways by the owner thereof or his or her agent within a radius of ten miles of the port facility of origin and accompanied by an escort vehicle equipped with one or more operating amber flashing lights that are visible from a distance of 500 feet;

(3) To any trailer which has no springs and which is being employed in hauling unprocessed farm products to their first market destination;

- 1 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used
 2 primarily to transport fertilizer to a farm;
 3 (5) To any motorized cart; or
 4 (6) To any moped."

5 SECTION 5.

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

9 "(a) No application shall be accepted and no certificate of registration shall be issued to
 10 any motor vehicle which was not manufactured to comply with applicable federal emission
 11 ~~and safety~~ standards ~~applicable to new motor vehicles as required by~~ issued pursuant to 42
 12 U.S.C.A. Section 7401 through Section 7642, known as the Clean Air Act, as amended,
 13 ~~and as required by 15 U.S.C.A. Section 1381 through Section 1431, known as the National~~
 14 ~~Traffic and Motor Vehicle Safety Act of 1966, as amended~~ applicable federal motor
 15 vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and
 16 until the United States Customs Service or the United States Department of Transportation
 17 has certified that the motor vehicle complies with such applicable federal standards and
 18 unless all documents required by the commissioner for processing an application for a
 19 certificate of registration or title are printed and filled out in the English language or are
 20 accompanied by an English translation."

21 SECTION 6.

22 Said title is further amended in Code Section 40-2-31, relating to five-year and annual license
 23 plates, license plate design, revalidation, and county decals, by striking subsection (b) and
 24 inserting in lieu thereof the following:

25 "(b) Such license plates shall be of metal at least six inches wide and not less than 12
 26 inches in length and shall show in bold characters the year of registration, the serial
 27 number, and either the full name or the abbreviation of the name of the state, shall
 28 designate the county from which the license plate was issued, and shall show such other
 29 distinctive markings as in the judgment of the commissioner may be deemed advisable, so
 30 as to indicate the class of weight of the vehicle for which the license plate was issued; and
 31 any license plate for a low-speed vehicle shall designate the vehicle as such. Such plates
 32 may also bear such figures, characters, letters, or combinations thereof as in the judgment
 33 of the commissioner will to the best advantage advertise, popularize, and otherwise
 34 promote Georgia as the 'Peach State.' The metal shall be of such strength and quality that
 35 the plate shall provide a minimum service period of five years. Every five years a new

1 metal license plate shall be provided by the commissioner for issuance. Metal license plates
2 issued on or after January 1, 1997, shall be used for a period of five years."

3 **SECTION 7.**

4 Said title is further amended by striking Code Section 40-3-4, relating to exclusions, and
5 inserting in its place a new Code Section 40-3-4 to read as follows:

6 "40-3-4.

7 No certificate of title shall be obtained for:

- 8 (1) A vehicle owned by the United States unless it is registered in this state;
- 9 (2) A vehicle owned by a manufacturer of or dealer in vehicles and held for sale, even
10 though incidentally used on the highway or used for purpose of testing or demonstration;
11 a vehicle owned by a dealer in vehicles but used by any Georgia public or private school
12 for driver education purposes; or a vehicle used by a manufacturer solely for testing;
13 except that all dealers acquiring new vehicles after July 1, 1962, from a manufacturer for
14 resale shall obtain such evidence of origin of title from the manufacturer as the
15 commissioner shall by rule and regulation prescribe;
- 16 (3) A vehicle owned by a nonresident of this state and not required by law to be
17 registered in this state;
- 18 (4) A vehicle regularly engaged in the interstate transportation of persons or property for
19 which a currently effective certificate of title has been issued in another state;
- 20 (5) A vehicle moved solely by human or animal power;
- 21 (6) An implement of husbandry;
- 22 (7) Special mobile equipment;
- 23 (8) A self-propelled wheelchair or invalid tricycle;
- 24 (9) A pole trailer;
- 25 (10) Motor buses used for the transportation of persons by a street railroad or other
26 company engaged in the operation of an urban transit system over fixed routes;
- 27 (11) A boat trailer;
- 28 (12) A homemade trailer;
- 29 (13) A device used exclusively upon stationary rails or tracks or which obtains motive
30 power from fixed overhead electric wires;
- 31 (14)(A) A vehicle, other than a mobile home or crane, the model year of which is prior
32 to 1986.
- 33 (B) The owner of any vehicle which has a valid certificate of title and which becomes
34 subject to the exclusion provided in subparagraph (A) of this paragraph may retain the
35 certificate of title. Each subsequent transferee of any vehicle covered by subparagraph
36 (A) of this paragraph, for which the certificate of title has been retained, may obtain a

1 certificate of title by complying with Code Section 40-3-32. However, the failure of
 2 any subsequent transferee to comply with Code Section 40-3-32 shall preclude
 3 transferees subsequent to that transferee from obtaining a certificate of title. The
 4 department shall maintain such records as may be necessary to allow owners to obtain
 5 a certificate of title under this subparagraph. No certificate of title authorized to be
 6 issued under this subparagraph shall be issued under Code Section 40-3-28.

7 (C)(i) A security interest in or lien against a vehicle which is subject to the exclusion
 8 provided for in subparagraph (A) of this paragraph and which arises after such vehicle
 9 becomes subject to the operation of subparagraph (A) of this paragraph may be
 10 perfected in the same manner as such security interests and liens are perfected on
 11 vehicles required by this chapter to have certificates of title.

12 (ii) The transferee of any vehicle which is subject to the exclusion provided for in
 13 subparagraph (A) of this paragraph, regardless of whether that vehicle has a certificate
 14 of title issued pursuant to subparagraph (B) of this paragraph, shall take such vehicle
 15 subject to any security interest or lien perfected under this paragraph;

16 (15)(A) Except as provided in subparagraph (B) of this paragraph, a trailer with an
 17 unladen gross weight of 2,000 pounds or less.

18 (B) The exclusion provided in subparagraph (A) of this paragraph shall not apply to
 19 a travel trailer or camper, regardless of its unladen gross weight;

20 (16) A vehicle which is not sold for the purpose of lawful highway use;

21 (17) A vehicle with a model year prior to 1963; or

22 (18) A moped."

23 SECTION 8.

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

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

1 are printed and filled out in the English language or are accompanied by an English
2 translation."

3 **SECTION 9.**

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

6 "40-6-330.

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

9 **SECTION 10.**

10 Said title is further amended by striking Code Section 40-6-331, relating to authority to
11 operate on streets granted by ordinance, and inserting in its place a new Code Section
12 40-6-331 to read as follows:

13 "40-6-331.

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

18 (b) Such ordinances may establish operating standards but shall not require motorized carts
19 to meet any requirements of general law as to registration, inspection, or licensing;
20 provided, however, that a local governing authority may, by ordinance, require the
21 registration and licensing of such carts operated within its boundaries for a fee not to
22 exceed \$15.00, the license to remain permanently with such cart unless such cart is sold or
23 the license is destroyed. The provisions of this subsection and the authority granted by this
24 subsection shall not apply to motorized carts owned by golf courses, country clubs, or other
25 such organized entities which own such carts and make them available to members or the
26 public on a rental basis.

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

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

SECTION 11.

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

"Part 5

40-6-360.

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

40-6-361.

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

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

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

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

40-6-362.

Low-speed vehicles shall be operated only on any highway where the posted speed limit does not exceed 35 miles per hour. The operator of a low-speed vehicle shall not operate such vehicle on any highway where the posted speed limit exceeds 35 miles per hour."

SECTION 12.

This Act shall become effective on September 1, 2002.

SECTION 13.

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