

House Bill 1613 (FLOOR SUBSTITUTE)

By: Representatives Twiggs of the 8<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for operation of certain all-terrain vehicles on 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:

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

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

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 all-terrain vehicle used for nonagricultural  
22 purposes on unpaved highways to any extent permitted by Chapter 7 of Title 40. The term  
23 includes a trailer drawn by or 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 subsections (a) and (b) of Code Section 40-2-20, relating to registration and license requirements and penalties, and inserting in lieu thereof the following:

"(a)(1)(A) Except as provided in subsection (b) of this Code section, every owner of a motor vehicle, including without limitation a tractor, ~~or motorcycle, or all-terrain vehicle used for nonagricultural purposes on unpaved highways to any extent permitted by Chapter 7 of this title,~~ and every owner of a trailer shall, 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.

(B)(i) The purchaser or other transferee owner of every new or used motor vehicle, including ~~tractors and motorcycles~~ without limitation a tractor, motorcycle, or all-terrain vehicle used for nonagricultural purposes on unpaved highways to any extent permitted by Chapter 7 of this title, or trailer 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. The commissioner may provide by rule or regulation for one 30 day extension of such initial registration period which may be granted by the county tag agent to a purchaser or other transferee owner if the transferor has not provided such purchaser or other transferee owner with a title to the motor vehicle more than five business days prior to the expiration of such initial registration period.

(ii) 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

1 lienholder or the transferor shall not be required to provide the certificate of  
 2 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the  
 3 license plate of such vehicle to the commissioner or the county tag agent by personal  
 4 delivery or by certified mail or statutory overnight delivery for cancellation.

5 (2) An application for the registration of a motor vehicle may not be submitted separately  
 6 from the application for a certificate of title for such motor vehicle, unless a certificate  
 7 of title has been issued in the owner's name, has been applied for in the owner's name,  
 8 or the motor vehicle is not required to be titled. An application for a certificate of title for  
 9 a motor vehicle may be submitted separately from the application for the registration of  
 10 such motor vehicle.

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

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

15 (2) To any tractor or ~~three-wheeled motorcycle~~ all-terrain vehicle used only for  
 16 agricultural purposes;

17 (2.1) To any vehicle or equipment used for transporting cargo or containers between and  
 18 within wharves, storage areas, or terminals within the facilities of any port under the  
 19 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being  
 20 operated upon any public road not part of The Dwight D. Eisenhower System of  
 21 Interstate and Defense Highways by the owner thereof or his or her agent within a radius  
 22 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped  
 23 with one or more operating amber flashing lights that are visible from a distance of 500  
 24 feet;

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

27 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used  
 28 primarily to transport fertilizer to a farm;

29 (5) To any motorized cart; or

30 (6) To any moped."

### 31 SECTION 3.

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 which was not manufactured to comply with applicable federal emission

1 ~~and safety standards applicable to new motor vehicles as required by~~ issued pursuant to 42  
 2 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~~ applicable federal motor  
 5 vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and  
 6 until the United States Customs Service or the United States Department of Transportation  
 7 has certified that the motor vehicle complies with such applicable federal standards and  
 8 unless all documents required by the commissioner for processing an application for a  
 9 certificate of registration or title are printed and filled out in the English language or are  
 10 accompanied by an English translation; provided, however, that such requirements shall  
 11 not apply to any all-terrain vehicle intended to be used for nonagricultural purposes on  
 12 unpaved highways to any extent permitted by Chapter 7 of this title."

#### 13 SECTION 4.

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

17 "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be  
 18 accepted and no certificate of title shall be issued to any motor vehicle which was not  
 19 manufactured to comply with applicable federal motor vehicle safety standards ~~applicable~~  
 20 ~~to new motor vehicles as required by 15 U.S.C.A. Section 1381 through Section 1431,~~  
 21 ~~known as the National Traffic and Motor Vehicle Safety Act of 1966, as amended~~ issued  
 22 pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs  
 23 Service or the United States Department of Transportation has certified that the motor  
 24 vehicle complies with such applicable federal standards and unless all documents required  
 25 by the commissioner for processing an application for a certificate of registration or title  
 26 are printed and filled out in the English language or are accompanied by an English  
 27 translation; provided, however, that such requirement shall not apply to any all-terrain  
 28 vehicle intended to be used for nonagricultural purposes on unpaved highways to any  
 29 extent permitted by Chapter 7 of this title."

#### 30 SECTION 5.

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

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; or

8 (3) On any highway unless such use is authorized as provided by Code Section 40-7-5  
9 or any other provision of this title."

## 10 SECTION 6.

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

14 "40-7-5.

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

18 (2) (A) Counties may, by ordinance, authorize the daytime use of all-terrain vehicles for  
19 nonagricultural purposes on:

20 (i) Unpaved highways which are part of their respective county road systems and have  
21 a maximum speed limit not exceeding 45 miles per hour; and

22 (ii) Any paved highway for the purpose of directly crossing the same at its intersection  
23 with an unpaved highway on which use of all-terrain vehicles is authorized under this  
24 subparagraph.

25 Any such all-terrain vehicle shall be required to meet the same equipment requirements  
26 as those which are applicable to motorcycles under Chapter 8 of this title. Persons  
27 operating all-terrain vehicles on unpaved highways shall be subject to the same  
28 requirements as are applicable to operators of motorcycles under Chapter 6 of this title.

29 (B) All-terrain vehicles used only for agricultural purposes may be operated on  
30 highways and shall not be subject to the provisions of subparagraph (A) of this  
31 paragraph.

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

1

**SECTION 7.**

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