

House Bill 433

By: Representatives Hammontree of the 4<sup>th</sup>, Amerson of the 7<sup>th</sup>, Poag of the 6<sup>th</sup> and Twiggs of the 8<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to provide for registration, titling, and operation of certain off-road vehicles; to change  
3 certain provisions relating to registration and license requirements and penalties; to change  
4 certain provisions relating to operating restrictions for off-road vehicles; to change  
5 certain provisions relating to registration of motor vehicles not manufactured to comply with  
6 federal emission and safety standards applicable to new motor vehicles; to change certain  
7 provisions relating to requirement of compliance with federal safety standards; to provide  
8 effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**  
11 **SECTION 1-1.**

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

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

1 provided in this chapter a license to operate it for the period remaining until such person's  
2 next registration period which immediately follows such initial registration period,  
3 without regard to whether such next registration period occurs in the same calendar year  
4 as the initial registration period or how soon such next registration period follows the  
5 initial registration period; provided, however, that this registration and licensing  
6 requirement does not apply to a dealer which acquires a new or used motor vehicle and  
7 holds it for resale. No person, company, or corporation, including, but not limited to,  
8 used motor vehicle dealers and auto auctions, shall sell or transfer a motor vehicle  
9 without providing to the purchaser or transferee of such motor vehicle the last certificate  
10 of registration on such vehicle at the time of such sale or transfer; provided, however, that  
11 in the case of a salvage motor vehicle or a motor vehicle which is stolen but subsequently  
12 recovered by the insurance company after payment of a total loss claim, the salvage  
13 dealer or insurer, respectively, shall not be required to provide the certificate of  
14 registration for such vehicle; and provided, further, that in the case of a repossessed motor  
15 vehicle or a court ordered sale or other involuntary transfer, the lienholder or the  
16 transferor shall not be required to provide the certificate of registration for such vehicle  
17 but shall, prior to the sale of such vehicle, surrender the license plate of such vehicle to  
18 the commissioner or the county tag agent by personal delivery or by certified mail or  
19 statutory overnight delivery for cancellation."

20 **SECTION 1-2.**

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

23 "40-7-4.

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

- 27 (1) Without operative brakes or without mufflers or other silencing equipment;  
28 (2) On any private property without the express written permission of the owner of the  
29 property or his or her agent;  
30 (3) On any paved public highway; or  
31 (4) On any unpaved public highway if not registered as provided by Code Section  
32 40-2-20 and if not meeting the applicable equipment requirements of Chapter 8 of this  
33 title."

## PART II

### SECTION 2-1.

3 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
4 amended by striking subsection (a) of Code Section 40-2-27, relating to registration of motor  
5 vehicles not manufactured to comply with federal emission and safety standards applicable  
6 to new motor vehicles, and inserting in lieu thereof the following:

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

## SECTION 2-2.

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

22       "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be  
23       accepted and no certificate of title shall be issued to any motor vehicle designed for use on  
24       public highways which was not manufactured to comply with federal safety standards  
25       applicable to new motor vehicles as required by 15 U.S.C.A. Section 1381 through Section  
26       1431, known as the National Traffic and Motor Vehicle Safety Act of 1966, as amended,  
27       unless and until the United States Customs Service or the United States Department of  
28       Transportation has certified that the motor vehicle complies with such applicable federal  
29       standards and unless all documents required by the Department of Revenue for processing  
30       an application for a certificate of registration or title are printed and filled out in the English  
31       language or are accompanied by an English translation."

# PART III

## SECTION 3-1.

3 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
4 amended by striking subsection (a) of Code Section 40-2-27, relating to registration of motor  
5 vehicles not manufactured to comply with federal emission and safety standards applicable  
6 to new motor vehicles, and inserting in lieu thereof the following:

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

## SECTION 3-2.

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

22       "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be  
23       accepted and no certificate of title shall be issued to any motor vehicle designed for use on  
24       public highways which was not manufactured to comply with federal safety standards  
25       applicable to new motor vehicles as required by 15 U.S.C.A. Section 1381 through Section  
26       1431, known as the National Traffic and Motor Vehicle Safety Act of 1966, as amended,  
27       unless and until the United States Customs Service or the United States Department of  
28       Transportation has certified that the motor vehicle complies with such applicable federal  
29       standards and unless all documents required by the commissioner for processing an  
30       application for a certificate of registration or title are printed and filled out in the English  
31       language or are accompanied by an English translation."

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**PART IV**  
**SECTION 4-1.**

- 3 (a) This Act shall become effective on July 1, 2001, except as otherwise provided by  
4 subsection (b) of this section.  
5 (b) Each provision amended in Part III of this Act shall become effective and supercede that  
6 respective provision amended in Part II of this Act on July 1, 2001, or on such date thereafter  
7 as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951),  
8 becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever is later.

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**SECTION 4-2.**

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