

House Bill 526

By: Representatives Powell of the 23rd, Twiggs of the 8th, Bell of the 25th, Poag of the 6th and Bridges of the 9th

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
3 change certain provisions relating to registration and license requirements and penalties; to
4 change 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 which such owner intends to use on public
19 highways to any extent permitted by Chapter 7 of this title shall, except as provided in
20 paragraph (3) of this subsection, during the owner's registration period in each year,
21 register such vehicle as provided in this chapter and obtain a license to operate it for the
22 12 month period until such person's next registration period. The purchaser or other
23 transferee owner of every such new or used motor vehicle, ~~including tractors and~~
24 ~~motorcycles~~ tractor, or trailer, or off-road vehicle shall, within the initial registration
25 period of such vehicle, register such vehicle as provided in this chapter and obtain or

1 transfer as provided in this chapter a license to operate it for the period remaining until
 2 such person's next registration period which immediately follows such initial registration
 3 period, without regard to whether such next registration period occurs in the same
 4 calendar year as the initial registration period or how soon such next registration period
 5 follows the initial registration period; provided, however, that this registration and
 6 licensing requirement does not apply to a dealer which acquires a new or used motor
 7 vehicle and holds it for resale. No person, company, or corporation, including, but not
 8 limited to, used motor vehicle dealers and auto auctions, shall sell or transfer a motor
 9 vehicle without providing to the purchaser or transferee of such motor vehicle the last
 10 certificate of registration on such vehicle at the time of such sale or transfer; provided,
 11 however, that in the case of a salvage motor vehicle or a motor vehicle which is stolen
 12 but subsequently recovered by the insurance company after payment of a total loss claim,
 13 the salvage dealer or insurer, respectively, shall not be required to provide the certificate
 14 of registration for such vehicle; and provided, further, that in the case of a repossessed
 15 motor 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 public highway which is part of the state highway system; or

31 (4) On any public highway which is not part of the state highway system unless such use
 32 is authorized by local ordinance adopted pursuant to Code Section 40-7-5, the off-road
 33 vehicle is registered as provided by Code Section 40-2-20, and the off-road vehicle meets
 34 the same equipment requirements as those which are applicable to motorcycles under
 35 Chapter 8 of this title."

PART II**SECTION 2-1.**

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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.

18
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.**

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

"(a) No application shall be accepted and no certificate of registration shall be issued to any motor vehicle designed for use on public highways which was not manufactured to comply with federal emission and safety standards applicable to new motor vehicles as required by 42 U.S.C.A. Section 7401 through Section 7642, known as the Clean Air Act, as amended, and 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, 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 3-2.

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 designed for use on public highways which was not manufactured to comply with federal 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, 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."

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.

SECTION 4-2.

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