

House Bill 260

By: Representatives Forster of the 3rd, Post 1 and White of the 3rd, Post 2

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by striking paragraph (1) of subsection (a) 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 a tractor or motorcycle, and every owner of a trailer~~ designed for use on public highways, tractor, trailer, or off-road vehicle to be used on unpaved public highways to any extent permitted by Chapter 7 of this title 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 such new or used motor vehicle, ~~including tractors and motorcycles, or tractor, trailer, or off-road vehicle~~ 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

1 immediately follows such initial registration period, without regard to whether such
2 next registration period occurs in the same calendar year as the initial registration
3 period or how soon such next registration period follows the initial registration period;
4 provided, however, that this registration and licensing requirement does not apply to
5 a dealer which acquires a new or used motor vehicle and holds it for resale. The
6 commissioner may provide by rule or regulation for one 30 day extension of such
7 initial registration period which may be granted by the county tag agent to a purchaser
8 or other transferee owner if the transferor has not provided such purchaser or other
9 transferee owner with a title to the motor vehicle more than five business days prior
10 to the expiration of such initial registration period.

11 (ii) No person, company, or corporation, including, but not limited to, used motor
12 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
13 providing to the purchaser or transferee of such motor vehicle the last certificate of
14 registration on such vehicle at the time of such sale or transfer; provided, however,
15 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
16 subsequently recovered by the insurance company after payment of a total loss claim,
17 the salvage dealer or insurer, respectively, shall not be required to provide the
18 certificate of registration for such vehicle; and provided, further, that in the case of a
19 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the
20 lienholder or the transferor shall not be required to provide the certificate of
21 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
22 license plate of such vehicle to the commissioner or the county tag agent by personal
23 delivery or by certified mail or statutory overnight delivery for cancellation."

24 SECTION 2.

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

27 "40-7-4.

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

31 (1) Without operative brakes or without mufflers or other silencing equipment;

32 (2) On any private property without the express written permission of the owner of the
33 property or his or her agent;

34 (3) On any paved public highway; or

1 (4) On any unpaved public highway unless registered as provided by Code Section
2 40-2-20 and such off-road vehicle meets the applicable equipment requirements of
3 Chapter 8 of this title."

4 **SECTION 3.**

5 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
6 amended by striking subsection (a) of Code Section 40-2-27, relating to registration of motor
7 vehicles not manufactured to comply with federal emission and safety standards applicable
8 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 designed for use on public highways which was not manufactured to
11 comply with applicable federal emission standards issued pursuant to 42 U.S.C.A. Section
12 7401 through Section 7642, known as the Clean Air Act, as amended, and applicable
13 federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et
14 seq., unless and until the United States Customs Service or the United States Department
15 of Transportation has certified that the motor vehicle complies with such applicable federal
16 standards and unless all documents required by the commissioner for processing an
17 application for a certificate of registration or title are printed and filled out in the English
18 language or are accompanied by an English translation."

19 **SECTION 4.**

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

23 "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be
24 accepted and no certificate of title shall be issued to any motor vehicle designed for use on
25 public highways which was not manufactured to comply with applicable federal motor
26 vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and
27 until the United States Customs Service or the United States Department of Transportation
28 has certified that the motor vehicle complies with such applicable federal standards and
29 unless all documents required by the commissioner for processing an application for a
30 certificate of registration or title are printed and filled out in the English language or are
31 accompanied by an English translation."

32 **SECTION 5.**

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