

Senate Bill 398

By: Senator Seabaugh of the 28th

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 change the definition of motorized cart; to exempt persons from driver's  
3 license requirements when operating motorized carts under certain circumstances; to change  
4 certain provisions relating to authority of local bodies regarding motorized carts and crossing  
5 of streets under jurisdiction of the Department of Transportation; to provide an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
10 amended by striking paragraph (32) of Code Section 40-1-1, relating to definitions, and  
11 inserting in lieu thereof the following:

12 "(32) 'Motorized cart' means every motor vehicle having no less than three wheels and  
13 an unladen weight of 1,300 pounds or less and which cannot operate at more than 20  
14 miles per hour ~~and which is designed to carry not more than two persons, including the~~  
15 ~~driver.~~"

16 **SECTION 2.**

17 Said title is further amended in subsection (a) of Code Section 40-5-21, relating to persons  
18 exempt generally from driver's license requirements, by striking "and" at the end of  
19 paragraph (10), striking the period and inserting "; and" in lieu thereof at the end of  
20 paragraph (11), and adding a new paragraph (12) to read as follows:

21 "(12) Any person while operating a motorized cart:

22 (A) On any way publicly maintained for the use of motorized carts by the public and  
23 no other types of motor vehicles in accordance with a local ordinance adopted pursuant  
24 to subsection (a) of Code Section 40-6-331; or

1 (B) When crossing a street or highway used by other types of motor vehicles at a  
 2 location designated for such crossing pursuant to subsection (d) of Code Section  
 3 40-6-331."

#### 4 SECTION 3.

5 Said title is further amended by striking Code Section 40-6-331, relating to authority of local  
 6 bodies regarding motorized carts and crossing of streets under jurisdiction of the Department  
 7 of Transportation, and inserting in lieu thereof the following:

8 "40-6-331.

9 (a) A local governing authority may, by ordinance, designate certain public streets or  
 10 portions thereof that are under its regulation and control for the combined use of motorized  
 11 carts and regular vehicular traffic or the use of motorized carts and no other types of motor  
 12 vehicles and establish the conditions under which motorized carts may be operated upon  
 13 such streets or portions thereof, including without limitation the conditions under which  
 14 a person may operate motorized carts on such designated streets or portions thereof without  
 15 a driver's license.

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

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

28 (d)(1) Motorized carts may cross streets and highways ~~under the jurisdiction of the~~  
 29 ~~Department of Transportation~~ that are part of the state highway system only at crossings  
 30 or intersections designated for that purpose by the ~~department~~ Department of  
 31 Transportation.

32 (2) Motorized carts may cross streets and highways that are part of a municipal street  
 33 system or county road system and used by other types of motor vehicles only at crossings  
 34 or intersections designated for that purpose by the local governing authority having  
 35 jurisdiction over such system."

1 **SECTION 4.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law  
3 without such approval.

4 **SECTION 5.**

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