

House Bill 1294

By: Representatives Sims of the 130<sup>th</sup>, Boggs of the 145<sup>th</sup>, Smith of the 129<sup>th</sup>, Post 2, and Roberts of the 131<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for operation of certain all-terrain vehicles on highways and insurance, licensing,  
2 registration, titling, and equipment requirements related thereto; to amend Chapter 11 of Title  
3 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to  
4 provide for penalties for certain violations; to amend Chapter 34 of Title 33 of the Official  
5 Code of Georgia Annotated, relating to motor vehicle accident reparations, so as to redefine  
6 a term; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor  
7 vehicles and traffic, so as to change certain provisions relating to registration and license  
8 requirements and penalties; to change certain provisions relating to registration of motor  
9 vehicles not manufactured to comply with federal emission and safety standards applicable  
10 to new motor vehicles; to change certain provisions relating to requirement of compliance  
11 with federal safety standards; to change certain provisions relating to classes of licenses; to  
12 provide for operating restrictions for all-terrain vehicles; to provide for certain penalties; to  
13 provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile  
17 proceedings, is amended by adding a new subsection (g.1) to Code Section 15-11-73, relating  
18 to juvenile traffic offenses, definition, procedure and hearing, disposition, and transfer to  
19 delinquency calendar, to read as follows:

20 "(g.1) *Penalties.* Notwithstanding any provision of subsection (g) of this Code section, if  
21 the court finds on the admission of the child or upon the evidence that the child committed  
22 a violation of any provision of Part 6 of Article 13 of Chapter 6 of Title 40, the child shall  
23 be punished as follows:

24 (1) For the first offense with no adjudication of guilty and no plea of nolo contendere  
25 accepted to a charge of violating any provision of Part 6 of Article 13 of Chapter 6 of  
26 Title 40 within the previous five years, as measured from the dates of previous arrests or

1 citations for which adjudications of guilty were obtained or pleas of nolo contendere were  
 2 accepted to the date of the current arrest or citation for which an adjudication of guilty  
 3 is obtained or a plea of nolo contendere is accepted, a fine of \$100.00 and impoundment  
 4 of the vehicle at the local sheriff's office or police station;

5 (2) For the second offense with no adjudication of guilty and no plea of nolo contendere  
 6 accepted to a charge of violating any provision of Part 6 of Article 13 of Chapter 6 of  
 7 Title 40 within the previous five years, as measured from the dates of previous arrests or  
 8 citations for which adjudications of guilty were obtained or pleas of nolo contendere were  
 9 accepted to the date of the current arrest or citation for which an adjudication of guilty  
 10 is obtained or a plea of nolo contendere is accepted, a fine of \$250.00, impoundment of  
 11 the vehicle at the local sheriff's office or police station for a period of time not less than  
 12 three months, and a mandatory suspension of the person's instructional permit for six  
 13 months. If the person does not have an instructional permit or if the person's permit has  
 14 been previously suspended, the period of suspension specified by this paragraph shall not  
 15 commence until the person applies for issuance or reinstatement of a permit; and

16 (3) For the third or subsequent offense with no adjudication of guilty and no plea of nolo  
 17 contendere accepted to a charge of violating any provision of Part 6 of Article 13 of  
 18 Chapter 6 of Title 40 within the previous five years, as measured from the dates of  
 19 previous arrests or citations for which adjudications of guilty were obtained or pleas of  
 20 nolo contendere were accepted to the date of the current arrest or citation for which an  
 21 adjudication of guilty is obtained or a plea of nolo contendere is accepted, a fine of  
 22 \$500.00, impoundment of the vehicle at the local sheriff's office or police station for a  
 23 period of time not less than one year, and a mandatory suspension of the person's  
 24 instructional permit until the person reaches 18 years of age."

## 25 SECTION 2.

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

29 "(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a  
 30 kind required to be registered under the laws of this state relating to motor vehicles  
 31 designed primarily for operation upon the public streets, roads, and highways and driven  
 32 by power other than muscular power or any all-terrain vehicle used for nonagricultural  
 33 purposes on highways to any extent permitted by Chapter 6 of Title 40. The term includes  
 34 a trailer drawn by or attached to such a vehicle and also includes without limitation a  
 35 low-speed vehicle."

**SECTION 3.**

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 highways to any extent permitted by Chapter 6 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, all-terrain vehicle used for nonagricultural purposes on highways to any extent permitted by Chapter 6 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 lienholder or the transferor shall not be required to provide the certificate of

1 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the  
 2 license plate of such vehicle to the commissioner or the county tag agent by personal  
 3 delivery or by certified mail or statutory overnight delivery for cancellation.

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

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

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

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

16 (2.1) To any vehicle or equipment used for transporting cargo or containers between and  
 17 within wharves, storage areas, or terminals within the facilities of any port under the  
 18 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being  
 19 operated upon any public road not part of The Dwight D. Eisenhower System of  
 20 Interstate and Defense Highways by the owner thereof or his or her agent within a radius  
 21 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped  
 22 with one or more operating amber flashing lights that are visible from a distance of 500  
 23 feet;

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

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

28 (5) To any motorized cart; or

29 (6) To any moped."

#### 30 SECTION 4.

31 Said title is further amended by striking subsection (a) of Code Section 40-2-27, relating to  
 32 registration of motor vehicles not manufactured to comply with federal emission and safety  
 33 standards applicable to new motor vehicles, and inserting in lieu thereof the following:

34 "(a) No application shall be accepted and no certificate of registration shall be issued to  
 35 any motor vehicle which was not manufactured to comply with applicable federal emission  
 36 standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, known as the

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

#### 10 SECTION 5.

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

14 "(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be  
 15 accepted and no certificate of title shall be issued to any motor vehicle which was not  
 16 manufactured to comply with applicable federal motor vehicle safety standards issued  
 17 pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs  
 18 Service or the United States Department of Transportation has certified that the motor  
 19 vehicle complies with such applicable federal standards and unless all documents required  
 20 by the commissioner for processing an application for a certificate of registration or title  
 21 are printed and filled out in the English language or are accompanied by an English  
 22 translation; provided, however, that such requirements shall not apply to any all-terrain  
 23 vehicle intended to be used for nonagricultural purposes on highways to any extent  
 24 permitted by Chapter 6 of this title."

#### 25 SECTION 6.

26 Said title is further amended by striking subsection (c) of Code Section 40-5-23, relating to  
 27 classes of licenses, and inserting in lieu thereof the following:

28 "(c) The noncommercial classes of motor vehicles for which operators may be licensed  
 29 shall be as follows:

30 Class A — Any combination of vehicles with a gross vehicle weight rating of 26,001  
 31 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being  
 32 towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class  
 33 C;

1 Class B — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or  
 2 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess  
 3 of 10,000 pounds, and all vehicles included within Class C;

4 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000  
 5 pounds or any such vehicle towing a vehicle with a gross vehicle weight rating not in  
 6 excess of 10,000 pounds and any self-propelled or towed vehicle ~~that is~~ equipped to serve  
 7 as temporary living quarters for recreational, camping, or travel purposes and is used  
 8 solely as a family or personal conveyance;

9 Class D — Provisional license applicable to noncommercial Class C vehicles for which  
 10 an applicant desires a driver's license but is not presently licensed to drive;

11 Class M — Motorcycles, motor driven cycles, ~~and~~ three-wheeled motorcycles, and  
 12 all-terrain vehicles;

13 Class P — Instructional permit applicable to all types of vehicles for which an applicant  
 14 desires a driver's license but is not presently licensed to drive.

15 Any applicant for a Class A or Class B license must possess a valid Georgia driver's  
 16 license for Class C vehicles. A license issued pursuant to this Code section shall not be a  
 17 commercial driver's license."

## 18 SECTION 7.

19 Said title is further amended in Article 13 of Chapter 6 by adding a new Part 6 to read as  
 20 follows:

### 21 "Part 6

22 40-6-363.

23 Every person operating an all-terrain vehicle shall be granted all the rights and shall be  
 24 subject to all the duties applicable to the driver of any other vehicle under this chapter  
 25 except as to special regulations in this part and except as to those provisions of this chapter  
 26 which by their nature can have no application.

27 40-6-364.

28 (a) A Class M licensed driver may operate an all-terrain vehicle upon any public road or  
 29 highway of this state except for four-lane roadways or interstate highways. Such driver  
 30 may also operate an all-terrain vehicle on a grass median or right of way at a speed not to  
 31 exceed 30 miles per hour.

32 (b) No person under the age of 16 years shall operate an all-terrain vehicle upon any public  
 33 road or highway of this state except for the purpose of crossing the same.

1 (c) No person shall operate an all-terrain vehicle in any dry river bed or waters of this state  
2 off of a public roadway or within 150 feet of any waters of this state except for the purpose  
3 of crossing the same.

4 (d) No person shall operate an all-terrain vehicle with more than one passenger in the  
5 vehicle at any time.

6 40-6-365.

7 (a) No person shall operate an all-terrain vehicle on any public road, highway, or on  
8 private property unless he or she is wearing protective headgear which complies with  
9 standards established by the commissioner of motor vehicle safety.

10 (b) The commissioner of motor vehicle safety is authorized to approve or disapprove  
11 protective headgear required in this Code section and to issue and enforce regulations  
12 establishing standards and specifications for the approval thereof. The commissioner of  
13 motor vehicle safety shall publish lists of all approved protective headgear by name and  
14 type.

15 40-6-366.

16 Every person convicted of violating any provision of this part shall be guilty of a  
17 misdemeanor and shall be punished as follows:

18 (1) For the first offense with no conviction of and no plea of nolo contendere accepted  
19 to a charge of violating any provision of this part within the previous five years, as  
20 measured from the dates of previous arrests or citations for which convictions were  
21 obtained or pleas of nolo contendere were accepted to the date of the current arrest or  
22 citation for which a conviction is obtained or a plea of nolo contendere is accepted, a fine  
23 of \$100.00;

24 (2) For the second offense within a five-year period of time as measured from the dates  
25 of previous arrests or citations for which convictions were obtained or pleas of nolo  
26 contendere were accepted to the date of the current arrest or citation for which a  
27 conviction is obtained or a plea of nolo contendere is accepted, a fine of \$250.00, and  
28 impoundment of the vehicle at the local sheriff's office or police station for a period of  
29 time not less than three months; and

30 (3) For the third or subsequent offense within a five-year period of time as measured from  
31 the dates of previous arrests or citations for which convictions were obtained or pleas of  
32 nolo contendere were accepted to the date of the current arrest or citation for which a  
33 conviction is obtained or a plea of nolo contendere is accepted, a fine of \$500.00,  
34 impoundment of the vehicle at the local sheriff's office or police station for a period of  
35 time not less than six months, and mandatory suspension of the person's driver's license

1 for a period of six months. If the person does not have a driver's license or if the person's  
2 driver's license has been previously suspended, the period of suspension specified by this  
3 paragraph shall not commence until the person applies for issuance or reinstatement of  
4 a driver's license."

5 **SECTION 8.**

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