

House Bill 1063 (AS PASSED HOUSE AND SENATE)

By: Representatives Westmoreland of the 86th, Lunsford of the 85th, Post 2, and Yates of the 85th, Post 1

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 change the definition of motorized cart; to exempt persons from driver's license requirements when operating motorized carts under certain circumstances; to change certain provisions relating to authority of local bodies regarding motorized carts and crossing of streets under jurisdiction of the Department of Transportation; to provide an effective date; 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 (32) of Code Section 40-1-1, relating to definitions, and inserting in lieu thereof the following:

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

SECTION 2.

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

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

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

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

SECTION 3.

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

"40-6-331.

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

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

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

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

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

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