

The House Committee on Motor Vehicles offers the following substitute to HB 1294:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to provide for penalties for certain violations of operating
3 restrictions relative to all-terrain vehicles; to amend Title 40 of the Official Code of Georgia
4 Annotated, relating to motor vehicles and traffic, so as to provide for operating restrictions
5 for all-terrain vehicles for persons under the age of 16; to provide for certain penalties; to
6 provide for a short title; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Juvenile ATV Act."

11 **SECTION 2.**

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

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

20 (1) For the first offense with no adjudication of delinquency and no plea of nolo
21 contendere accepted to a charge of violating any provision of Part 6 of Article 13 of
22 Chapter 6 of Title 40 within the previous five years, as measured from the dates of
23 previous arrests or citations for which adjudications of delinquency were obtained or
24 pleas of nolo contendere were accepted to the date of the current arrest or citation for
25 which an adjudication of delinquency is obtained or a plea of nolo contendere is accepted,

1 a fine of \$100.00. The costs of such prosecution shall not be taxed nor any additional
 2 penalty, fee, or surcharge to a fine for such offense be assessed against a child for an
 3 adjudication of delinquency thereof. If a child receives a citation for operating an
 4 all-terrain vehicle on a public road or highway or on the shoulder of a public road or
 5 highway, the law enforcement officer shall impound the vehicle. Such impounded
 6 vehicle shall be released to the owner upon payment of all appropriate fees and charges;

7 (2) For the second offense with no adjudication of delinquency and no plea of nolo
 8 contendere accepted to a charge of violating any provision of Part 6 of Article 13 of
 9 Chapter 6 of Title 40 within the previous five years, as measured from the dates of
 10 previous arrests or citations for which adjudications of delinquency were obtained or
 11 pleas of nolo contendere were accepted to the date of the current arrest or citation for
 12 which an adjudication of delinquency is obtained or a plea of nolo contendere is accepted,
 13 a fine of \$250.00. The costs of such prosecution shall not be taxed nor any additional
 14 penalty, fee, or surcharge to a fine for such offense be assessed against a child for an
 15 adjudication of delinquency thereof. If a child receives a citation for operating an
 16 all-terrain vehicle on a public road or highway or on the shoulder of a public road or
 17 highway, the law enforcement officer shall impound the vehicle. Such impounded
 18 vehicle shall be released to the owner upon payment of all appropriate fees and charges;
 19 and

20 (3) For the third or subsequent offense with no adjudication of delinquency and no plea
 21 of nolo contendere accepted to a charge of violating any provision of Part 6 of Article 13
 22 of Chapter 6 of Title 40 within the previous five years, as measured from the dates of
 23 previous arrests or citations for which adjudications of delinquency were obtained or
 24 pleas of nolo contendere were accepted to the date of the current arrest or citation for
 25 which an adjudication of delinquency is obtained or a plea of nolo contendere is accepted,
 26 a fine of \$500.00. The costs of such prosecution shall not be taxed nor any additional
 27 penalty, fee, or surcharge to a fine for such offense be assessed against a child for an
 28 adjudication of delinquency thereof. If a child receives a citation for operating an
 29 all-terrain vehicle on a public road or highway or on the shoulder of a public road or
 30 highway, the law enforcement officer shall impound the vehicle. Such impounded
 31 vehicle shall be released to the owner upon payment of all appropriate fees and charges."

32 **SECTION 3.**

33 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 34 amended in Article 13 of Chapter 6, relating to special provisions for certain vehicles, by
 35 adding a new Part 6 to read as follows:

1 "Part 6

2 40-6-363.

3 A person under the age of 16 years may operate an all-terrain vehicle on private property
4 only if he or she is wearing a head protection device and is carrying no more than one
5 passenger who is under the age of 16 years in or on the vehicle. Any person under the age
6 of 16 years who is found to be in violation of this Code section shall be punished as
7 provided in subsection (g.1) of Code Section 15-11-73."

8 **SECTION 4.**

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