

House Bill 518

By: Representatives Jenkins of the 8th, Ralston of the 7th, and Forster of the 3rd

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 provide for registration, titling, and operation of certain all-terrain vehicles;
3 to change certain provisions relating to registration and license requirements and penalties;
4 to change certain provisions relating to operating restrictions for off-road vehicles and
5 all-terrain vehicles; to change certain provisions relating to enforcement and penalties; to
6 change certain provisions relating to registration of motor vehicles not manufactured to
7 comply with federal emission and safety standards applicable to new motor vehicles; to
8 change certain provisions relating to requirement of compliance with federal safety
9 standards; to amend Code Section 33-34-2 of the Official Code of Georgia Annotated,
10 relating to definitions relative to motor vehicle accident reparations, so as to redefine a term;
11 to provide an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
15 amended by striking paragraph (1) of subsection (a) of Code Section 40-2-20, relating to
16 registration and license requirements and penalties, and inserting in lieu thereof the
17 following:

18 "(a)(1)(A) Except as provided in subsection (b) of this Code section, every owner of
19 a motor vehicle, ~~including a tractor or motorcycle, and every owner of a trailer~~ designed
20 for use on the public highways, a tractor, a trailer or any all-terrain vehicle as defined
21 in Code Section 40-1-1 to be used on public highways in state or federal parklands to
22 any extent permitted by Chapter 7 of this title shall, during the owner's registration
23 period in each year, register such vehicle as provided in this chapter and obtain a
24 license to operate it for the 12 month period until such person's next registration period.
25 This paragraph shall not apply to all-terrain vehicles that are used exclusively on private
26 lands or for farm use and are not used on any public highway.

1 (B)(i) The purchaser or other transferee owner of every such new or used motor
 2 vehicle, ~~including tractors and motorcycles, or tractor, trailer, or all-terrain vehicle~~
 3 shall, within the initial registration period of such vehicle, register such vehicle as
 4 provided in this chapter and obtain or transfer as provided in this chapter a license to
 5 operate it for the period remaining until such person's next registration period which
 6 immediately follows such initial registration period, without regard to whether such
 7 next registration period occurs in the same calendar year as the initial registration
 8 period or how soon such next registration period follows the initial registration period;
 9 provided, however, that this registration and licensing requirement does not apply to
 10 a dealer which acquires a new or used motor vehicle and holds it for resale. The
 11 commissioner may provide by rule or regulation for one 30 day extension of such
 12 initial registration period which may be granted by the county tag agent to a purchaser
 13 or other transferee owner if the transferor has not provided such purchaser or other
 14 transferee owner with a title to the motor vehicle more than five business days prior
 15 to the expiration of such initial registration period.

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

29 SECTION 2.

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

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

1 applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section
 2 30101, et seq., unless and until the United States Customs Service or the United States
 3 Department of Transportation has certified that the motor vehicle complies with such
 4 applicable federal standards and unless all documents required by the commissioner for
 5 processing an application for a certificate of registration or title are printed and filled out
 6 in the English language or are accompanied by an English translation."

7 SECTION 3

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

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

20 SECTION 4

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

23 "40-7-4.

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

- 27 (1) Without operative brakes or without mufflers or other silencing equipment;
 28 (2) On any private property without the express written permission of the owner of the
 29 property or his or her agent;:
 30 (3) On any public highway with a posted speed limit of 55 miles per hour or higher; or
 31 (4) On any public highway in state or federal parklands unless such vehicle is an
 32 all-terrain vehicle as defined in Code Section 40-1-1, is registered as provided by Code
 33 Section 40-2-20, and meets the applicable equipment requirements of Chapter 8 of this
 34 title."

SECTION 5.

Said title is further amended by striking Code Section 40-7-6, relating to enforcement and penalties, and inserting in lieu thereof the following:

"40-7-6.

All peace officers shall enforce the provisions of this chapter. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed ~~\$25.00~~ \$100.00 for the first offense and not to exceed \$250.00 for a second or subsequent offense."

SECTION 6.

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

"(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a kind required to be registered under the laws of this state relating to motor vehicles designed primarily for operation upon the public streets, roads, and highways and driven by power other than muscular power or any all-terrain vehicle used on unpaved highways to any extent permitted by Chapter 7 of Title 40. The term includes a trailer drawn by or attached to such a vehicle."

SECTION 7.

This Act shall become effective on January 1, 2006.

SECTION 8.

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