

House Bill 1004

By: Representatives Sims of the 169th, Rice of the 51st, and Crawford of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 2, 3, and 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to registration, licensing, and certificates of title for motor vehicles and drivers'
3 licenses, so as to provide for registration of all-terrain vehicles; to provide for certificates of
4 title for such vehicles; to provide for certain drivers of such vehicles to be licensed drivers;
5 to provide for operators of all-terrain vehicles under the age of 16 to complete a safety
6 course; to provide for supervision of children under the age of 16 operating all-terrain
7 vehicles; to provide for penalties; to provide for related matters; to provide for an effective
8 date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
11 licensing of motor vehicles, is amended by striking Code Section 40-2-20 in its entirety and
12 inserting in its place the following:

13 "40-2-20.

14 (a)(1)(A) Except as provided in subsection (b) of this Code section, every owner of a
15 motor vehicle, including a tractor, ~~or motorcycle,~~ or all-terrain vehicle, and every owner
16 of a trailer shall, during the owner's registration period in each year, register such
17 vehicle as provided in this chapter and obtain a license to operate it for the 12 month
18 period until such person's next registration period.

19 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
20 including tractors, ~~and motorcycles,~~ and all-terrain vehicles, or trailer shall, within the
21 initial registration period of such vehicle, register such vehicle as provided in this
22 chapter and obtain or transfer as provided in this chapter a license to operate it for the
23 period remaining until such person's next registration period which immediately
24 follows such initial registration period, without regard to whether such next
25 registration period occurs in the same calendar year as the initial registration period
26

1 or how soon such next registration period follows the initial registration period;
2 provided, however, that this registration and licensing requirement does not apply to
3 a dealer which acquires a new or used motor vehicle and holds it for resale. The
4 commissioner may provide by rule or regulation for one 30 day extension of such
5 initial registration period which may be granted by the county tag agent to a purchaser
6 or other transferee owner if the transferor has not provided such purchaser or other
7 transferee owner with a title to the motor vehicle more than five business days prior
8 to the expiration of such initial registration period.

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

22 (2) An application for the registration of a motor vehicle may not be submitted separately
23 from the application for a certificate of title for such motor vehicle, unless a certificate
24 of title has been issued in the owner's name, has been applied for in the owner's name,
25 or the motor vehicle is not required to be titled. An application for a certificate of title
26 for a motor vehicle may be submitted separately from the application for the registration
27 of such motor vehicle.

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

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

32 (2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

33 (2.1) To any vehicle or equipment used for transporting cargo or containers between and
34 within wharves, storage areas, or terminals within the facilities of any port under the
35 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
36 operated upon any public road not part of The Dwight D. Eisenhower System of
37 Interstate and Defense Highways by the owner thereof or his or her agent within a radius

1 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped
 2 with one or more operating amber flashing lights that are visible from a distance of 500
 3 feet;

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

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

8 (5) To any motorized cart; or

9 (6) To any moped.

10 Notwithstanding any provision of this subsection to the contrary, any all-terrain vehicle
 11 must be registered."

12 SECTION 2.

13 Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of
 14 title, security interests, and liens for motor vehicles, is amended by striking paragraph (16)
 15 of Code Section 40-3-4, relating to vehicles excluded from registration, and inserting in its
 16 place the following:

17 "(16) A vehicle which is not sold for the purpose of lawful highway use; provided,
 18 however, a certificate of title shall be required for an all-terrain vehicle;".

20 SECTION 3.

21 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 22 is amended by adding a new subsection (c) to Code Section 40-5-21, relating to exemptions
 23 from licensing requirements, to read as follows:

24 "(c) Nothing in this Code section shall be construed to permit the operation of all-terrain
 25 vehicles on the public highways of this state unless the vehicle is being used for law
 26 enforcement purposes."

27 SECTION 4.

28 Said chapter is further amended by adding a new Code Section 40-5-22.2 immediately
 29 following Code Section 40-5-22.1, relating to reinstatement of a license of a child under 16
 30 years of age convicted of driving under the influence of alcohol or drugs, to read as follows:

31 "40-5-22.2.

32 (a) No child under the age of ten shall be allowed to operate an all-terrain vehicle on
 33 public lands.

34 (b) Before operating an all-terrain vehicle on public lands, any child under the age of 16
 35 must:

1 (1) Complete a safety course approved by the Special Vehicle Institute of America; a
2 certificate showing completion of such course shall be in the child's possession at all
3 times when operating an all-terrain vehicle on public lands;

4 (2) Be supervised by a licensed driver 18 years of age or older; such supervision shall
5 mean the child must be within sight of the adult and at a distance of no more than 300
6 feet; and

7 (3) Wear a helmet.

8 (c) Any child under the age of 16 is prohibited from operating an all-terrain vehicle on any
9 public road or highway, the shoulder of any public road or highway, or the right of way of
10 any public road or highway.

11 (d) Any child 16 years of age or older must have a valid driver's license to operate an
12 all-terrain vehicle on public lands.

13 (e) It is prohibited for more than one rider to be on an all-terrain vehicle unless the
14 all-terrain vehicle is designed to carry more than one rider.

15 (f)(1) A first conviction of violating any of the provisions of this Code section shall be
16 punishable by either impoundment of the all-terrain vehicle, a fine of \$150.00, or both.

17 (2) A second conviction of violating any of the provisions of this Code section shall be
18 punishable by impoundment of the all-terrain vehicle until payment of a \$500.00 fine.

19 (3) A third conviction of violating any of the provisions of this Code section shall be
20 punishable by forfeiture of the all-terrain vehicle."

21 SECTION 5.

22 This Act shall become effective on January 1, 2007, and shall apply to offenses committed
23 on or after that date.

24 SECTION 6.

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