

Senate Bill 437

By: Senators Mullis of the 53rd, Stoner of the 6th, Powell of the 23rd, Thomas of the 54th,
Rogers of the 21st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to registration and licensing of motor vehicles, so as to provide for registration and
3 licensing of assembled motor vehicles and motorcycles; to amend Article 2 of Chapter 3 of
4 Title 40 of the Official Code of Georgia Annotated, relating to certificates of title for motor
5 vehicles, so as to require the commissioner to issue certificates of title to certain motorcycles;
6 to provide for the issuance of certificates of title to owners of assembled motor vehicles and
7 motorcycles; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
12 registration and licensing of motor vehicles, is amended by revising Code Section 40-2-27,
13 relating to registration of motor vehicles not manufactured to comply with federal emission
14 and safety standards applicable to new motor vehicles, by adding a new subsection to read
15 as follows:

16 "(d) Before a certificate of registration is issued for an assembled motor vehicle or
17 motorcycle, such assembled motor vehicle or motorcycle shall have been issued a
18 certificate of title in Georgia and shall comply with the provisions of Code
19 Section 40-3-30.1."

20 **SECTION 1.1.**

21 Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to
22 certificates of title for motor vehicles, is amended by adding a new Code section to read as
23 follows:

24 "40-3-25.1.

1 The commissioner or the commissioner's duly appointed county tag agent shall issue an
 2 appropriate certificate of title to a motorcycle that has two vehicle identification numbers
 3 placed on such motorcycle by the manufacturer of origin if neither of the vehicle
 4 identification numbers has been identified as belonging to a stolen or previously titled
 5 motorcycle. The certificate shall be issued under the most recent vehicle identification
 6 number."

7 **SECTION 2.**

8 Said article is further amended by adding a new Code section to read as follows:

9 "40-3-30.1.

10 (a) As used in this Code section and in Code Section 40-2-27, the term:

11 (1) 'Assembled motor vehicle or motorcycle' or 'kit motor vehicle or motorcycle' means
 12 any motor vehicle or motorcycle that is:

13 (A) Manufactured from a manufacturer's kit or fabricated parts, including replicas and
 14 original designs:

15 (i) By an owner;

16 (ii) At the request of the owner by a third-party manufacturer of motor vehicles or
 17 motorcycles; and

18 (iii) Such manufacturer is not manufacturing and testing in accordance with federal
 19 safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and
 20 until the United States Customs Service or the United States Department of
 21 Transportation has certified that the motor vehicle complies with such applicable
 22 federal standards;

23 (B) A new vehicle and consists of a prefabricated body, chassis, and drive train;

24 (C) Handmade and not mass produced by any manufacturer for retail sale; or

25 (D) Not otherwise excluded from emission requirements and is in compliance with
 26 Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles.

27 (2) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or
 28 motorcycle that is manufactured, including, but not limited to, all-terrain vehicles,
 29 off-road vehicles, motorized carts, motor driven cycles, and mopeds, and that is not in
 30 compliance with the following:

31 (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;

32 (B) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A.
 33 Section 30101, et seq., unless and until the United States Customs Service or the United
 34 States Department of Transportation has certified that the motor vehicle complies with
 35 such applicable federal standards; or

36 (C) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401
 37 through Section 7642, the 'Clean Air Act,' as amended.

1 (b) In addition to the requirements contained in Code Section 40-3-30, prior to the
2 issuance of a certificate of title to the owner of an assembled motor vehicle or motorcycle,
3 the owner shall cause such assembled motor vehicle or motorcycle to be inspected in order
4 to establish:

5 (1) The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other
6 verifiable documentation of purchase of all major components; and

7 (2) That such assembled motor vehicle or motorcycle complies with:

8 (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and

9 (B) If applicable, federal emission standards issued pursuant to 42 U.S.C.A. Section
10 7401 through Section 7642, the 'Clean Air Act,' as amended.

11 (c) The inspection conducted under subsection (b) of this Code section shall only be for
12 the purpose of establishing that such assembled motor vehicle or motorcycle is eligible to
13 receive a certificate of title.

14 (d) The department shall be authorized to charge an inspection fee.

15 (e) Unconventional motor vehicles or motorcycles shall not be titled or registered."

16 **SECTION 3.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law
18 without such approval.

19 **SECTION 4.**

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