

The House Committee on Motor Vehicles offers the following substitute to SB 437:

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 definitions relative to motor carriers; to provide for exemptions
3 from the requirement of space on license plates for county decals; to provide for
4 commissioners to promulgate regulations regarding registration of vehicles; to provide for
5 annual license fees; to provide for registration and licensing of assembled motor vehicles and
6 motorcycles; to provide for the issuance of certificates of title to owners of assembled motor
7 vehicles and motorcycles; to provide for creation of security interests; to provide for related
8 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
11 amended by revising Code Section 40-2-9, relating to the exemption of certain special license
12 plates from the county name decal requirement, as follows:

13 "40-2-9.

14 Any metal ~~five-year~~ special, distinctive, or prestige license plate, except those provided for
15 in Code ~~Section~~ Sections 40-2-61, ~~Code Section~~ 40-2-62, 40-2-74, and ~~Code Section~~
16 40-2-82, and 40-2-85.1 or as otherwise expressly provided in this chapter, shall contain a
17 space for a county name decal; ~~and the~~ The provisions of this chapter relative to county
18 name decals shall be applicable to all such license plates."
19

SECTION 2.

20 Said title is further amended by adding a new Code section to read as follows:

21 "40-2-11.

22 (a) The commissioner shall be responsible for the administration of this chapter and may
23 employ such clerical assistants and agents as may be necessary from time to time to enable
24 the commissioner to speedily and efficiently perform the duties conferred on the
25

1 commissioner in this chapter. The commissioner shall be authorized to delegate any
2 administrative responsibility for retention of applications, certificates of registration, and
3 any other forms or documents relating to the application and registration process to the
4 appropriate authorized tag agent for the county in which the application is made or the
5 registration is issued.

6 (b) The commissioner shall prescribe and provide suitable forms of applications and all
7 other notices and forms necessary to administer this chapter.

8 (c) The commissioner may:

9 (1) Perform any investigation necessary to procure information required to carry out this
10 chapter; and

11 (2) Adopt and enforce reasonable rules and regulations to administer this chapter."

12 **SECTION 3.**

13 Said title is further amended by revising Code Section 40-2-27, relating to registration of
14 motor vehicles not manufactured to comply with federal emission and safety standards
15 applicable to new motor vehicles, by adding a new subsection to read 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 4.**

21 Said title is further amended by revising subparagraphs (a)(3)(A) and (a)(10)(A) and
22 paragraph (16) of subsection (a) of Code Section 40-2-151, relating to annual license fees for
23 operation of vehicles, as follows:

24 "(3)(A) For each private commercial motor vehicle in accordance with the
25 owner declared gross vehicle weight rating, as follows:

26	(i) 10,001 lbs. to 14,000 lbs.	20.00
27	(ii)(i) 14,000 to 18,000 <u>Less than 18,001</u> lbs.	25.00
28	(iii)(ii) 18,001 to 26,000 lbs.	38.00
29	(iv)(iii) 26,001 to 30,000 lbs.	45.00
30	(v)(iv) 30,001 to 36,000 lbs.	70.00
31	(vi)(v) 36,001 to 44,000 lbs.	115.00
32	(vii)(vi) 44,001 to 54,999 lbs.	190.00
33	(viii)(vii) 55,000 to 63,280 lbs.	300.00
34	(ix)(viii) 63,281 lbs. to maximum permitted	400.00"

1	(3) 36,001 to 44,000 lbs.	215.00
2	(4) 44,001 to 54,999 lbs.	365.00
3	(5) 55,000 to 63,280 lbs.	575.00
4	(6) 63,281 lbs. to maximum permitted	725.00"

5 **SECTION 6.**

6 Said title is further amended by adding a new Code section to read as follows:

7 "40-3-30.1.

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

9 (1) 'Assembled motor vehicle or motorcycle' or 'kit motor vehicle or motorcycle' means
10 any motor vehicle or motorcycle that is:

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

13 (i) By an owner;

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

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

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

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

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

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

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

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

34 (C) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401
35 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 7.

17 Said title is further amended by revising paragraph (2) of Code Section 40-3-51, relating to
 18 creation of security interest in motor vehicles by the owner, as follows:

19 "(2) The security interest holder shall immediately cause the certificate of title and
 20 application and the required fee to be mailed or delivered to the commissioner or the
 21 commissioner's appropriate authorized county tag agent within ~~90~~ 30 days of the date of
 22 creation of the security interest or lien. If the certificate of title and application and the
 23 required fee are not mailed or delivered within such time, the lien or security interest
 24 holder shall be required to pay a \$10.00 penalty in addition to the ordinary title fee
 25 provided for by this chapter. If the documents submitted in support of the title application
 26 are rejected, the party submitting the documents shall have 60 days from the date of
 27 initial rejection to resubmit the documents required by the commissioner or the
 28 authorized county tag agent for the issuance of title. If the documents are not properly
 29 resubmitted within the 60 day period, there shall be an additional \$10.00 penalty
 30 assessed, and the owner of the vehicle shall be required to remove immediately the
 31 license plate of the vehicle and return same to the commissioner or authorized county tag
 32 agent. The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth
 33 day following the initial rejection of the documents, if the documents have not been
 34 resubmitted as required under this paragraph; and"

1 **SECTION 8.**

2 Sections 4 and 5 of this Act shall become effective January 1, 2009. Section 7 of this Act
3 shall become effective July 1, 2009. The remaining sections of this Act shall become
4 effective upon this Act's approval by the Governor or upon this Act becoming law without
5 such approval.

6 **SECTION 9.**

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