

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 207:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 40 of the Official Code of Georgia Annotated, relating to
2 off-road vehicles, so as to redefine the term "off-road vehicle"; to change certain provisions
3 relating to operating restrictions; to change certain provisions relating to enforcement of said
4 chapter and penalties for violations; to amend Article 2 of Chapter 9 of Title 15 of the
5 Official Code of Georgia Annotated, relating to jurisdiction, power, and duties of probate
6 courts, so as to provide for jurisdiction in certain cases relating to operation of off-road
7 vehicles; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **PART I**

10 **SECTION 1-1.**

11 Chapter 7 of Title 40 of the Official Code of Georgia Annotated, relating to off-road
12 vehicles, is amended by revising Code Section 40-7-3, relating to a definition of "off-road
13 vehicle," as follows:

14 "40-7-3.

15 As used in this chapter, the term 'off-road vehicle' means any motorized vehicle designed
16 for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh,
17 swampland, or other natural terrain and not intended for use predominantly on public roads.
18 It includes, but is not limited to, four-wheel drive or low-pressure tire vehicles, two-wheel
19 vehicles, amphibious machines, ground effect or air cushion vehicles, and any other means
20 of transportation deriving power from any source other than muscle or wind, except that
21 such term shall exclude any motorboat; any military, fire, ~~or law enforcement vehicle, or~~
22 other government vehicle being used for official purposes; any vehicles used exclusively
23 on airports; all farm machinery, farm tractors, and other vehicles used exclusively for
24 agricultural purposes; any self-propelled equipment for harvesting and transportation of
25 forest products, for clearing land for planting, for utility services and maintenance, for earth
26 moving, construction, or mining; and self-propelled lawnmowers, snowblowers, garden or

27 lawn tractors, or golf carts, while such vehicles are being used exclusively for their
28 designed purposes."

29 **SECTION 1-2.**

30 Said chapter is further amended by revising Code Section 40-7-4, relating to operating
31 restrictions, as follows:

32 "40-7-4.

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

- 36 (1) Without operative brakes or without mufflers or other silencing equipment;
- 37 (2) On any private property without the express written permission of the owner of the
38 property or his or her agent; or
- 39 (3) Within any perennial stream, except when directly crossing such stream. As used in
40 this paragraph, the term 'perennial stream' means a stream:
- 41 (A) That under normal circumstances has water flowing year round;
- 42 (B) That has the channel located below the ground-water table most of the year;
- 43 (C) For which ground water is the primary source of water; and
- 44 (D) For which runoff from rainfall is a supplemental source of water flow."

45 **SECTION 1-3.**

46 Said chapter is further amended by revising Code Section 40-7-6, relating to enforcement of
47 said chapter and penalties for violations, as follows:

48 "40-7-6.

49 All peace officers shall enforce the provisions of this chapter. Any person who violates any
50 provision of this chapter shall not thereby be guilty of a ~~misdemeanor and, upon conviction~~
51 ~~thereof, criminal act~~ but shall be ~~punished by a fine not to exceed~~ subject to a civil penalty
52 of not less than \$25.00."

53 **PART II**

54 **SECTION 2-1.**

55 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
56 jurisdiction, power, and duties of probate courts, is amended by adding a new Code section
57 to read as follows:

58 "15-9-30.8.

59 In addition to any other jurisdiction vested in the probate courts, such courts shall have the
60 right and power to hear cases of violations of Chapter 7 of Title 40 and to impose civil
61 penalties for such violations as provided by Code Section 40-7-6."

62 **PART III**

63 **SECTION 3-1.**

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