

House Bill 224

By: Representative Amerson of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
2 registration and licensing of motor vehicles, so as to provide for the registration of off-road
3 recreation vehicles under certain circumstances; to provide for exceptions; to provide for
4 related matters; to provide for a civil penalty; to provide for an effective date and
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
9 licensing of motor vehicles, is amended by adding a new article to read as follows:

10 "ARTICLE 8

11 40-2-200.

12 As used in this article, the term 'off-road recreation vehicle' means a motorized vehicle
13 designed for travel over unimproved terrain operated primarily off of roadways on land or
14 natural terrain. 'Off-road recreation vehicle' includes a motorized vehicle with two or more
15 wheels, motorcycle, all-terrain vehicle, dune buggy, dirt bike, and go-cart but does not
16 include a vehicle designed for operation primarily for travel on, over, or in water or for use
17 in railroad services. The term shall not include any vehicle designed for operation
18 primarily on roadways, nor shall the term include any vehicle owned or operated by a
19 governmental entity or any vehicle used exclusively for agricultural or construction
20 purposes.

21 40-2-201.

22 (a) A person shall not operate an off-road recreation vehicle in this state without
23 registration of the vehicle with the department and display of an off-road recreation vehicle
24 license plate issued by the department.

25 (b) A person shall apply to the department for an off-road recreation vehicle license plate
26 by submitting an application prescribed by the department and a user fee in an amount to
27 be determined by the commissioner but which shall not exceed \$30.00. The off-road
28 recreation vehicle license plate shall be valid for the life of the vehicle.

29 (c) The department shall prescribe by rule the design and placement of the license plate;
30 provided, however, that the design of such license plate shall include the words 'Off Road
31 Only.'

32 (d) The requirements of this Code section shall not apply to a person:

33 (1) Operating an off-road recreation vehicle which is registered in this state pursuant to
34 any other Code section, provided that such license plate is properly displayed;

35 (2) Who is a nonresident of this state operating an off-road recreation vehicle which
36 displays a valid off-road recreation vehicle user license plate from the person's state of
37 residency and such vehicle is not present within this state for more than 30 days;

38 (3) Operating an off-road recreation vehicle on property owned or leased by the operator
39 or on private property with the permission of the property owner or lessee of the property;

40 (4) Loading or unloading an off-road recreation vehicle from another vehicle;

41 (5) Participating in an off-road special event endorsed by a state or local governmental
42 entity or a private entity where the participants or spectators of the private event are
43 charged an entrance fee;

44 (6) Who is a public employee operating an off-road recreation vehicle in his or her
45 official capacity; or

46 (7) Operating an off-road recreation vehicle during an emergency in an attempt to
47 prevent serious injury or death of a person or as directed by a peace officer acting in his
48 or her official capacity.

49 (e) The department is authorized to adopt rules and regulations for the implementation and
50 enforcement of the provisions of this article.

51 40-2-202.

52 (a) Any person violating the provisions of this article shall be subject to a civil fine not to
53 exceed \$300.00; provided, however, for any owner or operator who is under 16 years of
54 age, such fine shall be assessed against a parent or legal guardian of such person.

55 (b) A charge under this Code section shall be made on a uniform traffic citation. Any
56 court having jurisdiction over traffic violations shall also have jurisdiction in matters

57 involving civil charges made pursuant to this Code section. The Attorney General and
58 prosecuting attorneys shall have the authority to prosecute the civil case.

59 40-2-203.

60 (a) Registration of an off-road recreation vehicle pursuant to this article shall not amount
61 to authorization for the operation of the off-road recreation vehicle on any road or highway
62 of this state, including paved shoulders, on any portion of The Dwight D. Eisenhower
63 System of Interstate and Defense Highways, or on any lands included in the National Park
64 Service or state park systems. Each off-road recreation vehicle shall be required to meet
65 all state and federal equipment and safety requirements for operation of such vehicle on a
66 roadway or highway. An off-road recreation vehicle license plate shall not amount to a
67 certification that any such vehicle meets equipment or safety standards required by law, nor
68 shall the issuance of an off-road recreation vehicle license plate be a defense to a violation
69 of any safety or equipment standard.

70 (b) Nothing in this article shall be construed so as to require off-road recreation vehicle
71 operators or owners, not otherwise required by law, to:

72 (1) Obtain motor vehicle insurance;

73 (2) Register the title of such vehicle; or

74 (3) Pay ad valorem or other registration taxes or fees other than the one-time registration
75 fee required by Code Section 40-2-201."

76 **SECTION 2.**

77 This Act shall become effective on January 1, 2012, and shall apply to violations committed
78 on or after such date.

79 **SECTION 3.**

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