

House Bill 689

By: ~~Representatives Rogers of the 29th, Hawkins of the 27th, and Dunahoo of the 30th~~

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 registration and licensing of bicycles; to revise a definition; to
3 provide for the acquisition of a license plate prior to the operation of a bicycle on streets with
4 motor vehicle traffic; to provide for the design of license plates for bicycles; to provide for
5 the option of a one-time bicycle registration fee in lieu of annual registration; to prescribe
6 fees for annual and one-time registration of bicycles; to provide for requirements for the
7 operation of bicycles upon a roadway; to authorize the establishment of rules and regulations;
8 to provide for enforcement; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
13 amended by revising Code Section 40-2-20, relating to registration and license requirements,
14 as follows:

15 "40-2-20.

16 (a)(1)(A) Except as provided in subsection (b) of this Code section and subsection (a)
17 of Code Section 40-2-47, every owner of a motor vehicle, including a tractor or
18 motorcycle, every owner of a bicycle, and every owner of a trailer shall, during the
19 owner's registration period in each year, register such vehicle as provided in this chapter
20 and obtain a license to operate it for the 12 month period until such person's next
21 registration period.

22 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
23 including tractors and motorcycles, bicycle, or trailer shall register such vehicle as
24 provided in Code Section 40-2-8 and obtain or transfer as provided in this chapter a
25 license to operate it for the period remaining until such person's next registration
26 period which immediately follows such initial registration period, without regard to

27 whether such next registration period occurs in the same calendar year as the initial
 28 registration period or how soon such next registration period follows the initial
 29 registration period; provided, however, that this registration and licensing requirement
 30 does not apply to a dealer which acquires a new or used motor vehicle and holds it for
 31 resale. The commissioner may provide by rule or regulation for one 30 day extension
 32 of such initial registration period which may be granted by the county tag agent if the
 33 transferor has not provided such purchaser or other transferee owner with a title to the
 34 motor vehicle more than five business days prior to the expiration of such initial
 35 registration period. The county tag agent shall grant an extension of the initial
 36 registration period when the transferor, purchaser, or transferee can demonstrate by
 37 affidavit in a form provided by the commissioner that title has not been provided to
 38 the purchaser or transferee due to the failure of a security interest or lienholder to
 39 timely release a security interest or lien in accordance with Code Section 40-3-56.

40 (ii) No person, company, or corporation, including, but not limited to, used motor
 41 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
 42 providing to the purchaser or transferee of such motor vehicle the last certificate of
 43 registration on such vehicle at the time of such sale or transfer; provided, however,
 44 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
 45 subsequently recovered by the insurance company after payment of a total loss claim,
 46 the salvage dealer or insurer, respectively, shall not be required to provide the
 47 certificate of registration for such vehicle; and provided, further, that in the case of a
 48 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the
 49 lienholder or the transferor shall not be required to provide the certificate of
 50 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
 51 license plate of such vehicle to the commissioner or the county tag agent by personal
 52 delivery or by certified mail or statutory overnight delivery for cancellation.

53 (2) An application for the registration of a motor vehicle may not be submitted separately
 54 from the application for a certificate of title for such motor vehicle, unless a certificate
 55 of title has been issued in the owner's name, has been applied for in the owner's name, or
 56 the motor vehicle is not required to be titled. An application for a certificate of title for
 57 a motor vehicle may be submitted separately from the application for the registration of
 58 such motor vehicle.

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

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

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

64 (2.1) To any vehicle or equipment used for transporting cargo or containers between and
 65 within wharves, storage areas, or terminals within the facilities of any port under the
 66 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
 67 operated upon any public road not part of The Dwight D. Eisenhower System of
 68 Interstate and Defense Highways by the owner thereof or his or her agent within a radius
 69 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped
 70 with one or more operating amber flashing lights that are visible from a distance of 500
 71 feet;

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

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

76 (5) To any motorized cart; or

77 (6) To any moped.

78 (c) Any person who fails to register a new or used motor vehicle, bicycle, or trailer as
 79 required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon
 80 conviction thereof, shall be punished by a fine not exceeding \$100.00."

81 **SECTION 2.**

82 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
 83 40-2-21, relating to registration periods, as follows:

84 "(2) 'Vehicle' means every motor vehicle, including a tractor or motorcycle, and every
 85 trailer and bicycle required to be registered and licensed under Code Section 40-2-20."

86 **SECTION 3.**

87 Said title is further amended by revising Code Section 40-2-29, relating to registration and
 88 license plate requirements, as follows:

89 "40-2-29.

90 (a) Except as otherwise provided in this chapter, any person purchasing or acquiring a
 91 motor vehicle shall register and obtain, or transfer, a license plate to operate such motor
 92 vehicle from the county tag agent in ~~their~~ his or her county of residence no later than seven
 93 business days after the date of purchase or acquisition of the motor vehicle by presenting
 94 to the county tag agent the following:

95 (1) A motor vehicle certificate of title as provided in Chapter 3 of this title;

96 (2) Satisfactory proof of owner's insurance coverage as provided for in subsection (d) of
 97 Code Section 40-2-26;

- 98 (3) If applicable, satisfactory proof of compliance with ~~the~~ Article 2 of Chapter 9 of Title
 99 12, the 'Georgia Motor Vehicle Emission Inspection and Maintenance Act'; and
- 100 (4) Satisfactory proof that all fees, permits, and taxes have been paid.
- 101 (b) Any person purchasing or acquiring a bicycle shall register and obtain, or transfer, a
 102 license plate to operate such bicycle upon streets with motor vehicle traffic from the county
 103 tag agent in his or her county of residence no later than 30 days after the date of purchase
 104 or acquisition of the bicycle.
- 105 (c) An application for registration shall be accompanied by check; cash; certified or
 106 cashier's check; bank, postal, or express money order; or other similar bankable paper for
 107 the amount of the license plate or temporary permit fee or any taxes required by law.
- 108 ~~(c)~~(d) A person unable to fully comply with the requirements of subsection (a) of this
 109 Code section shall register such vehicle and receive a temporary operating permit that will
 110 be valid until the end of the initial registration period as provided for in paragraph ~~(1)~~ (.1)
 111 of subsection (a) of Code Section 40-2-21.
- 112 ~~(d)~~(e) A conviction for displaying a license plate or temporary license plate not provided
 113 for in this chapter shall be punished as a misdemeanor."

114 **SECTION 4.**

115 Said title is further amended by revising paragraph (b) of Code Section 40-2-31, relating to
 116 design of license plates, as follows:

117 "(b) Such license plates shall be at least six inches wide and not less than 12 inches in
 118 length, except bicycle and motorcycle license plates which shall be at least four inches
 119 wide and not less than seven inches in length, and shall show in boldface characters the
 120 month and year of expiration, the serial number, and either the full name or the
 121 abbreviation of the name of the state, shall designate the county from which the license
 122 plate was issued unless specifically stated otherwise in this chapter, and shall show such
 123 other distinctive markings as in the judgment of the commissioner may be deemed
 124 advisable, so as to indicate the class of weight of the vehicle for which the license plate was
 125 issued; and any license plate for a low-speed vehicle shall designate the vehicle as such.
 126 Such plates may also bear such figures, characters, letters, or combinations thereof as in
 127 the judgment of the commissioner will to the best advantage advertise, popularize, and
 128 otherwise promote Georgia as the 'Peach State.' The license plate shall be of such strength
 129 and quality that the plate shall provide a minimum service period of at least five years. The
 130 commissioner shall adopt rules and regulations, pursuant to the provisions of Chapter 13
 131 of Title 50, the 'Georgia Administrative Procedure Act,' for the design and issuance of new
 132 license plates and to implement the other provisions of this Code section."

133 **SECTION 5.**

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

135 "40.2.48.

136 (a) The owner of any bicycle shall have the option of obtaining a permanent registration
 137 and license plate for such bicycle, in lieu of an annual registration and license plate, upon
 138 the payment of the one-time fee specified in Code Section 40-2-151 and compliance with
 139 the provisions of this Code section.

140 (b) The certificate of registration and license plate issued for a specific bicycle under this
 141 Code section shall continue to be valid for the duration of the owner's interest in such
 142 bicycle. No registration or license plate issued for any bicycle under this Code section
 143 shall be transferred for any reason, and a new registration and license plate shall be
 144 required when ownership of the bicycle is transferred to a new owner."

145 **SECTION 6.**

146 Said title is further amended by adding a new paragraph to subsection (a) and revising
 147 subsection (b) of Code Section 40-2-151, relating to annual and permanent license fees, as
 148 follows:

149 "(19) For each bicycle.....\$15.00.

150 (b) In lieu of the annual fee provided in paragraphs (6), (7), ~~or~~ (8), or 19 of subsection (a)
 151 of this Code section, the optional one-time fee for a permanent registration and license
 152 plate for:

153 (1) Any trailer used as or in connection with a motor vehicle, truck, or tractor used as a
 154 common or contract carrier for hire, a private carrier, or a motor carrier of property; ~~or~~

155 (2) Any boat trailer, utility trailer, or noncommercial cattle and livestock trailer
 156 authorized to obtain a permanent registration and license plate under the provisions of
 157 Code Section 40-2-47; or

158 (3) Any bicycle authorized to obtain a permanent registration under the provisions of
 159 Code Section 40-2-48
 160 shall be \$48.00."

161 **SECTION 7.**

162 Said title is further amended by revising Code Section 40-6-294, relating to riding bicycles
 163 on roadways and bicycle paths, as follows:

164 "40-6-294.

165 (a) As used in this Code section, the term 'hazards to safe cycling' includes, but shall not
 166 be limited to, surface debris, rough pavement, drain grates which are parallel to the side of

167 the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects
168 which threaten the safety of a person operating a bicycle.

169 (b) Every person operating a bicycle upon a roadway shall ride as near to the right side of
170 the roadway as practicable, except when:

171 (1) Turning left;

172 (2) Avoiding hazards to safe cycling;

173 (3) The lane is too narrow to share safely with a motor vehicle;

174 (4) Traveling at the same speed as traffic;

175 (5) Exercising due care when passing a standing vehicle or one proceeding in the same
176 direction; or

177 (6) There is a right turn only lane and the person operating the bicycle is not turning
178 right;

179 provided, however, that every person operating a bicycle away from the right side of the
180 roadway shall exercise reasonable care and shall give due consideration to the other
181 applicable rules of the road.

182 (c) Persons riding bicycles upon a roadway shall ~~not ride more than two abreast~~ ride single
183 file except on bicycle paths, bicycle lanes, parts of roadways set aside for the exclusive use
184 of bicycles, or when a special event permit issued by a local governing authority permits
185 riding more than ~~two abreast~~ single file. Persons riding bicycles upon a roadway shall ride
186 no more than four riders per single file line, and at least four feet shall separate each
187 bicycle. At least 50 feet shall be maintained between each line of four riders at all times.

188 (d) Whenever a usable bicycle path has been provided adjacent to a roadway and
189 designated for the exclusive use of bicycle riders, then the appropriate governing authority
190 may require that bicycle riders use such bicycle path and not use those sections of the
191 roadway so specified by such local governing authority. The governing authority may be
192 petitioned to remove restrictions upon demonstration that the bicycle path has become
193 inadequate due to capacity, maintenance, or other causes.

194 (e) When a roadway is part of the state highway system, the Department of Transportation
195 may restrict persons from riding bicycles on the roadway or designate certain times when
196 bicycle riding is permissible. When a roadway is part of a local road system, a local
197 governing authority may restrict persons from riding bicycles on the roadway or designate
198 certain times when bicycle riding is permissible.

199 (f) Bicycle paths subject to the provisions of subsection (d) of this Code section shall at
200 a minimum be required to meet accepted guidelines, recommendations, and criteria with
201 respect to planning, design, operation, and maintenance as set forth by the American
202 Association of State Highway and Transportation Officials, and such bicycle paths shall
203 provide accessibility to destinations equivalent to the use of the roadway.

204 ~~(f)~~(g) Any person operating a bicycle in a bicycle lane shall ride in the same direction as
205 traffic on the roadway.
206 ~~(g)~~(h) Electric assisted bicycles may be operated on bicycle paths."

207 **SECTION 8.**

208 Said title is further amended by revising Code Section 40-6-298, relating to rules and
209 regulations for bicycles and play vehicles, as follows:

210 "40-6-298.

211 ~~The Board of Public Safety~~ Department of Transportation is authorized to promulgate rules
212 and regulations to carry this part into effect, ~~and is authorized~~ to establish regulations for
213 any additional safety equipment or standards it shall require for bicycles, and to establish
214 regulations for safety standards for the operation of bicycles."

215 **SECTION 9.**

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

217 "40-6-299.

218 The provisions of this part may be enforced by the appropriate county or municipal law
219 enforcement agency of the state when a violation occurs within the agency's jurisdictional
220 authority or by the Department of Public Safety when a violation occurs upon the state
221 highway system."

222 **SECTION 10.**

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