

The House Committee on Motor Vehicles offers the following substitute to HB 438:

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 restrict the operation of off-road vehicles on roadways; to provide
3 for definitions; to prohibit the operation of off-road vehicles in public spaces in a manner
4 which poses a direct threat of harm to persons and property; to provide for civil and criminal
5 penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "40-7-3.

12 As used in this chapter, the term:

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

27 (2) 'Public space' means an area open to the public, whether privately or publicly owned.
 28 Such term includes private parking areas which are customarily open to the public."

29 **SECTION 2.**

30 Said chapter is further amended by adding a new Code section to read as follows:

31 "40-7-5.1.

32 No person shall drive an off-road vehicle on a highway or in a public space in a manner
 33 which poses a direct threat of harm to persons or property. This Code section shall not
 34 apply to any area where such vehicles are expressly permitted by the property owner and
 35 in compliance with any applicable local ordinance."

36 **SECTION 3.**

37 Said chapter is further amended by revising Code Section 40-7-6, relating to enforcement and
 38 penalties, as follows:

39 "40-7-6.

40 ~~All peace officers shall enforce the provisions of this chapter. Any person who violates~~
 41 ~~any provision of this chapter shall not thereby be guilty of a criminal act but shall be~~
 42 ~~subject to a civil penalty of not less than \$25.00.~~

43 (a) Any person who operates an off-road vehicle in violation of Code Section 40-7-4 shall
 44 not be guilty of a criminal offense or a moving violation for purposes of Code Section
 45 40-5-57 but shall be subject to a civil penalty not to exceed \$100.00.

46 (b) Any person who operates an off-road vehicle in violation of Code Section 40-7-5.1
 47 shall be guilty of a misdemeanor. Any person convicted of a second or subsequent offense
 48 of Code Section 40-7-5.1 shall be guilty of a high and aggravated misdemeanor and shall
 49 be punished by a fine not to exceed \$5,000.00."

50 **SECTION 4.**

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