

House Bill 795

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, Battles of the 15<sup>th</sup>, and Johnson of the 37<sup>th</sup>

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 modify definitions related to all-terrain vehicles, recreational off-highway  
3 vehicles, and off-road vehicles to make such definitions consistent with current industry  
4 standards and practices; to provide for related matters; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
9 amended by revising paragraph (3) of Code Section 40-1-1, relating to definitions, as  
10 follows:

11 "(3) 'All-terrain vehicle' means any motorized vehicle designed for off-road use which  
12 is equipped with three or more low pressure nonhighway tires and with a seat to be  
13 straddled by the operator and with handlebars for steering control which is 50 inches or  
14 less in width."

15 **SECTION 2.**

16 Said title is further amending in said Code section by revising paragraphs (8.1) through (8.2)  
17 as follows:

18 "(8.1) (8.01) 'Class I all-terrain vehicle' means a motorized, off-highway recreational  
19 vehicle 50 inches or less in width with a dry weight of ~~1,000~~ 1,200 pounds or less that  
20 travels on three or more low pressure nonhighway tires, has a saddle or seat for the  
21 operator, and is designed for or capable of cross-country travel on or immediately over  
22 land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

23 (8.2) (8.1) 'Class II all-terrain vehicle' means a motorized, off-highway recreational  
24 vehicle which is not a class I all-terrain vehicle and which is 65 inches or less in width  
25 with a dry weight of 2,000 pounds or less that travels on four or more nonhighway tires

26 and is designed for or capable of cross-country travel on or immediately over land, water,  
 27 sand, snow, ice, marsh, swampland, or other natural terrain.

28 (8.2) 'Class H III all-terrain vehicle' means any motor vehicle that:

29 (A) Weighs more than a class I II all-terrain vehicle and less than 8,000 pounds;

30 (B) Is designed for or capable of cross-country travel on or immediately over land,  
 31 water, sand, snow, ice, marsh, swampland, or other natural terrain; and

32 (C) Is actually being operated off a highway."

### 33 SECTION 3.

34 Said title is further amended in said Code section by adding a new paragraph to read as  
 35 follows:

36 "(50.01) 'Recreational off-highway vehicle' means a motorized vehicle designed for  
 37 off-road use which is equipped with four or more nonhighway tires and which is 65  
 38 inches or less in width."

### 39 SECTION 4.

40 Said title is further amended by revising Code Section 40-7-3, relating to defining "off-road  
 41 vehicle," as follows:

42 "40-7-3.

43 As used in this chapter, the term 'off-road vehicle' means any motorized vehicle designed  
 44 for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh,  
 45 swampland, or other natural terrain and not intended for use predominantly on public roads.

46 ~~It~~ The term includes, but is not limited to, four-wheel drive vehicles, ~~or~~ low-pressure tire  
 47 vehicles, two-wheel vehicles, nonhighway tire vehicles, amphibious machines, ground  
 48 effect or air cushion vehicles, and any other means of transportation deriving power from  
 49 any source other than muscle or wind, ~~except that such.~~ The term shall exclude any  
 50 motorboat; any military, fire, law enforcement, or other government vehicle being used for  
 51 official purposes; any vehicles used exclusively on airports; all farm machinery, farm  
 52 tractors, and other vehicles used exclusively for agricultural purposes; any self-propelled  
 53 equipment for harvesting and transportation of forest products, for clearing land for  
 54 planting, for utility services and maintenance, for earth moving, construction, or mining;  
 55 and self-propelled lawnmowers, snowblowers, garden or lawn tractors, or golf carts, while  
 56 such vehicles are being used exclusively for their designed purposes."

57 **SECTION 5.**

58 Said title is further amended by revising subsection (a) of Code Section 40-8-91.1, relating  
59 to marking and equipment of all-terrain vehicles used as law enforcement vehicles, as  
60 follows:

61 "(a) As used in this Code section, the term 'all-terrain vehicle' means any motorized vehicle  
62 designed for off-road use which is equipped with ~~at least a 500 cubic centimeter engine,~~  
63 ~~four or more low pressure nonhighway tires, a seat to be straddled by the operator, and~~  
64 ~~handlebars for steering control~~ and which is 50 inches or less in width."

65 **SECTION 6.**

66 This Act shall become effective upon its approval by the Governor or upon its becoming law  
67 without such approval.

68 **SECTION 7.**

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