

Senate Bill 310

By: Senator Mullis of the 53rd

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 require registration of
3 a bicycle for operation upon highways; to provide for punishment; to revise a definition; to
4 provide for the acquisition of a license plate for a bicycle; to provide for the design of license
5 plates for bicycles; to provide for application and form; to provide for the option of a
6 one-time bicycle registration fee in lieu of annual registration; to prescribe fees for annual
7 and one-time registration of bicycles; to provide a short title; to provide for related matters;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Judy O'Neal Act."

12

SECTION 2.

13 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 14 amended in Code Section 40-2-8, relating to operation of unregistered vehicle or vehicle
 15 without current license plate, revalidation decal, or county decal and temporary plate issued
 16 by dealers of new or used motor vehicles, by revising subsection (a) as follows:

17 "(a)(1) Any person owning or operating any vehicle described in Code Section 40-2-20
 18 on any public highway or street without complying with that Code section shall be guilty
 19 of a misdemeanor, provided that a person shall register his or her motor vehicle within
 20 30 days after becoming a resident of this state.

21 (2) Any person renting, leasing, or loaning any motor vehicle or trailer described in Code
 22 Section 40-2-20 which is being used on any public highway or street without complying
 23 with that Code section shall be guilty of a misdemeanor and, upon conviction thereof,
 24 shall be punished by a fine of \$100.00 for each violation; and each day that such vehicle
 25 is operated in violation of Code Section 40-2-20 shall be deemed to be a separate and
 26 distinct offense.

27 (3) Any person operating a bicycle on any highway without complying with Code
 28 Section 40-2-20 shall be guilty of a misdemeanor, and upon conviction thereof, shall be
 29 punished by a fine of \$100.00 for each violation."

30

SECTION 3.

31 Said title is further amended by revising Code Section 40-2-20, relating to registration and
 32 license requirements, as follows:

33 "40-2-20.

34 (a)(1)(A) Except as provided in subsections (b) and (d) of this Code section and
 35 subsection (a) of Code Section 40-2-47, every owner of a motor vehicle, including a
 36 tractor or motorcycle, every owner of a bicycle, and every owner of a trailer shall,
 37 during the owner's registration period in each year, register such vehicle as provided in

38 this chapter and obtain a license to operate it for the 12 month period until such person's
39 next registration period.

40 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
41 including tractors and motorcycles, bicycle, or trailer shall register such vehicle as
42 provided in Code Section 40-2-8 and obtain or transfer as provided in this chapter a
43 license to operate it for the period remaining until such person's next registration
44 period which immediately follows such initial registration period, without regard to
45 whether such next registration period occurs in the same calendar year as the initial
46 registration period or how soon such next registration period follows the initial
47 registration period; provided, however, that this registration and licensing requirement
48 does not apply to a dealer which acquires a new or used motor vehicle and holds it for
49 resale. The commissioner may provide by rule or regulation for one 30 day extension
50 of such initial registration period which may be granted by the county tag agent if the
51 transferor has not provided such purchaser or other transferee owner with a title to the
52 motor vehicle more than five business days prior to the expiration of such initial
53 registration period. The county tag agent shall grant an extension of the initial
54 registration period when the transferor, purchaser, or transferee can demonstrate by
55 affidavit in a form provided by the commissioner that title has not been provided to
56 the purchaser or transferee due to the failure of a security interest or lienholder to
57 timely release a security interest or lien in accordance with Code Section 40-3-56.

58 (ii) No person, company, or corporation, including, but not limited to, used motor
59 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
60 providing to the purchaser or transferee of such motor vehicle the last certificate of
61 registration on such vehicle at the time of such sale or transfer; provided, however,
62 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
63 subsequently recovered by the insurance company after payment of a total loss claim,
64 the salvage dealer or insurer, respectively, shall not be required to provide the

65 certificate of registration for such vehicle; and provided, further, that in the case of a
66 repossessed motor vehicle or a court ordered sale or other involuntary transfer, the
67 lienholder or the transferor shall not be required to provide the certificate of
68 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
69 license plate of such vehicle to the commissioner or the county tag agent by personal
70 delivery or by certified mail or statutory overnight delivery for cancellation.

71 (C) The county tag agent may issue a temporary operating permit for any vehicle that
72 fails to comply with applicable federal emission standards, provided that the owner of
73 such vehicle has provided verification of the existence of minimum motor vehicle
74 liability insurance coverage and paid all applicable taxes, penalties, insurance lapse
75 fees, and fees other than the registration fee. Such temporary operating permit shall be
76 valid for 30 days and shall not be renewable.

77 (2) An application for the registration of a motor vehicle may not be submitted separately
78 from the application for a certificate of title for such motor vehicle, unless a certificate
79 of title has been issued in the owner's name, has been applied for in the owner's name, or
80 the motor vehicle is not required to be titled. An application for a certificate of title for
81 a motor vehicle may be submitted separately from the application for the registration of
82 such motor vehicle.

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

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

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

88 ~~(2.1)~~(3) To any vehicle or equipment used for transporting cargo or containers between
89 and within wharves, storage areas, or terminals within the facilities of any port under the
90 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
91 operated upon any public road not part of The Dwight D. Eisenhower System of

92 Interstate and Defense Highways by the owner thereof or his or her agent within a radius
93 of ten miles of the port facility of origin and accompanied by an escort vehicle equipped
94 with one or more operating amber flashing lights that are visible from a distance of 500
95 feet;

96 ~~(3)~~(4) To any trailer which has no springs and which is being employed in hauling
97 unprocessed farm products to their first market destination;

98 ~~(4)~~(5) To any trailer which has no springs, which is pulled from a tongue, and which is
99 used primarily to transport fertilizer to a farm;

100 (6) To any bicycle operated in an event authorized by local authorities;

101 ~~(5)~~(7) To any electric powered personal transportation vehicle;

102 ~~(6)~~(8) To any moped; or

103 ~~(7)~~(9) To any golf car.

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

107 (d) Upon the payment of the requisite fee, the purchaser of a new motor vehicle passenger
108 car, as such terms are defined in paragraphs (34) and (41) of Code Section 40-1-1, for
109 which such purchaser has paid state and local title ad valorem taxes may choose to register
110 such passenger car for an initial period of two years instead of the annual registration
111 provided for in this Code section, provided that the motor vehicle owner does not elect a
112 prestige or special license plate. Thereafter, such passenger car shall be subject to the
113 annual registration requirements of this Code section."

114

SECTION 4.

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

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

119 **SECTION 5.**

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

122 "40-2-29.

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

- 128 (1) A motor vehicle certificate of title as provided in Chapter 3 of this title;
 129 (2) Satisfactory proof of owner's insurance coverage as provided for in subsection (d) of
 130 Code Section 40-2-26;
 131 (3) If applicable, satisfactory proof of compliance with ~~the~~ Article 2 of Chapter 9 of
 132 Title 12, the 'Georgia Motor Vehicle Emission Inspection and Maintenance Act'; and
 133 (4) Satisfactory proof that all fees, permits, and taxes have been paid.

134 (b) Any person purchasing or acquiring a bicycle shall register and obtain, or transfer, a
 135 license plate to operate such bicycle upon highways from the county tag agent in his or her
 136 county of residence no later than 30 days after the date of purchase or acquisition of the
 137 bicycle.

138 (c) An application for registration shall be accompanied by check; cash; certified or
 139 cashier's check; bank, postal, or express money order; or other similar bankable paper for
 140 the amount of the license plate or temporary permit fee or any taxes required by law.

141 ~~(e)~~(d) A person unable to fully comply with the requirements of subsection (a) of this
 142 Code section shall register such vehicle and receive a temporary operating permit that will

143 be valid until the end of the initial registration period as provided for in paragraph (.1) of
144 subsection (a) of Code Section 40-2-21. The commissioner may provide by rule or
145 regulation for one 30 day extension of such initial registration period which may be granted
146 by the county tag agent if the transferor has not provided such purchaser or other transferee
147 owner with a title to the motor vehicle more than five business days prior to the expiration
148 of such initial registration period. The county tag agent shall grant an extension of the
149 initial registration period when the transferor, purchaser, or transferee can demonstrate by
150 affidavit in a form provided by the commissioner that title has not been provided to the
151 purchaser or transferee due to the failure of a security interest holder or lienholder to timely
152 release a security interest or lien in accordance with Code Section 40-3-56.
153 ~~(d)~~(e) A conviction for displaying a license plate or temporary license plate not provided
154 for in this chapter shall be punished as a misdemeanor."

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SECTION 6.

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

158 "(b) Such license plates shall be at least six inches wide and not less than 12 inches in
159 length, except bicycle and motorcycle license plates which shall be at least four inches
160 wide and not less than seven inches in length, and shall show in boldface characters the
161 month and year of expiration, the serial number, and either the full name or the
162 abbreviation of the name of the state, shall designate the county from which the license
163 plate was issued unless specifically stated otherwise in this chapter, and shall show such
164 other distinctive markings as in the judgment of the commissioner may be deemed
165 advisable, so as to indicate the class of weight of the vehicle for which the license plate was
166 issued; and any license plate for a low-speed vehicle shall designate the vehicle as such.
167 Such plates may also bear such figures, characters, letters, or combinations thereof as in
168 the judgment of the commissioner will to the best advantage advertise, popularize, and

169 otherwise promote Georgia as the 'Peach State.' The license plate shall be of such strength
 170 and quality that the plate shall provide a minimum service period of at least five years. The
 171 commissioner shall adopt rules and regulations, pursuant to the provisions of Chapter 13
 172 of Title 50, the 'Georgia Administrative Procedure Act,' for the design and issuance of new
 173 license plates and to implement the other provisions of this Code section."

174 **SECTION 7.**

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

176 "40-2-48.

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

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

186 **SECTION 8.**

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

190 "(20) For each bicycle 15.00"

191 "(b) In lieu of the annual fee provided in ~~paragraphs~~ paragraph (6), (7), or (8), or (20) of
 192 subsection (a) of this Code section, the optional one-time fee of \$48.00 for a permanent
 193 registration and license plate for:

194 (1) Any trailer used as or in connection with a motor vehicle, truck, or tractor used as a
195 common or contract carrier for hire, a private carrier, or a motor carrier of property; or
196 (2) Any boat trailer, utility trailer, or noncommercial cattle and livestock trailer
197 authorized to obtain a permanent registration and license plate under the provisions of
198 Code Section 40-2-47; or
199 (3) Any bicycle authorized to obtain a permanent registration under the provisions of
200 Code Section 40-2-48
201 ~~shall be \$48.00."~~

202

SECTION 9.

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