

House Bill 877 (AS PASSED HOUSE AND SENATE)

By: Representatives Hogan of the 179th, Jones of the 167th, Mathis of the 144th, and Dollar of the 45th

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 standards for issuance of a Georgia certificate of title for certain
3 motor vehicles converted from original manufacturer condition in order to comply with
4 certain state and federal requirements; to provide for exceptions to certain federal standards
5 for such motor vehicles; to provide for definitions; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
10 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (25.1) as
11 follows:

12 "(25.1) 'Low-speed vehicle' means any four-wheeled ~~electric~~ vehicle whose top speed
13 attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per
14 hour on a paved level surface and which is manufactured or converted to comply in
15 ~~compliance~~ with standards based upon those federal motor vehicle safety standards for
16 low-speed vehicles set forth in 49 C.F.R. Section 571.500, as amended and in effect on
17 January 1, 2001."

18 **SECTION 2.**

19 Said title is further amended in Code Section 40-2-27, relating to registration of motor
20 vehicles not manufactured to comply with federal emission and safety standards, certificate
21 of registration for an assembled motor vehicle or motorcycle, and former military motor
22 vehicles, by revising subsection (d) as follows:

23 "(d)(1) Before a certificate of registration is issued for an assembled motor vehicle or
24 motorcycle as such term is defined in Code Section 40-3-30.1, such assembled motor

25 vehicle or motorcycle shall have been issued a certificate of title in Georgia and shall
 26 comply with the provisions of such Code Section 40-3-30.1 section.

27 (2) Before a certificate of registration is issued for a converted motor vehicle as such
 28 term is defined in Code Section 40-3-30.1, such converted motor vehicle shall have been
 29 issued a certificate of title in Georgia upon compliance with the inspection provisions of
 30 Code Section 40-3-30.1."

31 **SECTION 3.**

32 Said title is further amended in Code Section 40-3-30, relating to requirement of compliance
 33 with federal safety standards, by adding a new subsection to read as follows:

34 "(d) The provisions of subsection (a) of this Code section shall not apply to applications
 35 for certificates of title for converted motor vehicles as such term is defined in Code Section
 36 40-3-30.1."

37 **SECTION 4.**

38 Said title is further amended by revising Code Section 40-3-30.1, relating to inspections of
 39 assembled motor vehicles and motorcycles, as follows:

40 "40-3-30.1.

41 (a) As used in this Code section ~~and in Code Section 40-2-27~~, the term:

42 (1) 'Assembled motor vehicle or motorcycle' ~~or 'kit motor vehicle or motorcycle'~~ means
 43 any motor vehicle or motorcycle that is:

44 (A) Manufactured from a manufacturer's kit or manufacturer's fabricated parts,
 45 including replicas and original designs:

46 (i)(I) By an owner; or

47 ~~(ii)(II)~~ (II) At the request of the owner by a third-party manufacturer of motor vehicles
 48 or motorcycles; and

49 ~~(iii)(ii)(I)~~ (I) Such owner or third-party manufacturer is not manufacturing and testing
 50 in accordance with federal safety standards issued pursuant to 49 U.S.C.A. Section
 51 30101, et seq., ~~unless; and until the~~

52 (II) The United States Customs Service or the United States Department of
 53 Transportation has not certified that the motor vehicle complies with such
 54 applicable federal standards;

55 (B) A new vehicle and consists of a prefabricated body, chassis, and drive train;

56 (C) Handmade and not mass produced by any manufacturer for retail sale; or

57 (D) Not otherwise excluded from emission requirements and is in compliance with
 58 Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles.

59 (2) 'Converted motor vehicle' means any unconventional motor vehicle that has been
 60 altered from the original manufactured condition by an owner or third party in order to
 61 comply with certain state and federal requirements relating to low-speed vehicles.

62 (3)(A) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or
 63 motorcycle that is not manufactured, ~~including, but not limited to, all-terrain vehicles,~~
 64 ~~off-road vehicles, motor driven cycles, mopeds, and personal transportation vehicles,~~
 65 ~~and that is not~~ in compliance with the following:

- 66 (i) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;
- 67 (ii) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A.
 68 Section 30101, et seq., unless and until the United States Customs and Border
 69 Protection Agency or the United States Department of Transportation has certified
 70 that the motor vehicle complies with such applicable federal standards; or
- 71 (iii) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section
 72 7401 through Section 7642, the 'Clean Air Act,' as amended.

73 (B) Such term shall not include former military motor vehicles.

74 (b) In addition to the requirements contained in Code Section 40-3-30, prior to the
 75 issuance of a certificate of title to the owner of an assembled motor vehicle or motorcycle,
 76 the owner shall cause such assembled motor vehicle or motorcycle to be inspected in order
 77 to establish:

- 78 (1) The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other
 79 verifiable documentation of purchase of all major components; and
- 80 (2) That such assembled motor vehicle or motorcycle complies with:
 - 81 (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and
 - 82 (B) If applicable, federal emission standards issued pursuant to 42 U.S.C.A. Section
 83 7401 through Section 7642, the 'Clean Air Act,' as amended.

84 (c) Prior to the issuance of a certificate of title to the owner of a converted motor vehicle,
 85 the owner shall cause such converted motor vehicle to be inspected in order to establish
 86 that such vehicle complies with:

- 87 (1) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and
- 88 (2) Standards for low-speed vehicles based upon applicable standards set forth in 49
 89 C.F.R. Section 571.500, as amended.

90 (d) ~~The inspection~~ inspections conducted under subsection (b) and subsection (c) of this
 91 Code section shall only be for the purpose of establishing that such ~~assembled~~ inspected
 92 motor vehicle or motorcycle is eligible to receive a certificate of title.

93 ~~(d)~~(e) The department shall be authorized to charge an inspection fee.

94 ~~(e)~~(f) Unconventional motor vehicles or motorcycles shall not be titled or registered."

95

SECTION 5.

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