

House Bill 121 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10th, Powell of the 33rd, McDonald of the 26th, Gunter of the 8th, Yearta of the 152nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated,
2 relating to registration, operation, and sale of watercraft generally, so as to provide for
3 restrictions and requirements relative to wakesurfing and wakeboarding in certain instances;
4 to provide for exceptions; to provide for definitions; to amend Title 40 of the Official Code
5 of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for a definition;
6 to provide for the operation of multipurpose off-highway vehicles on certain highways; to
7 provide for registration of such vehicles; to provide for issuance of license plates for
8 multipurpose off-highway vehicles; to provide for an annual licensing fee; to provide for
9 issuance of a certificate of title by the Department of Revenue; to provide for equipment and
10 operating standards for multipurpose off-highway vehicles; to provide for related matters;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

15 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
16 registration, operation, and sale of watercraft generally, is amended by revising Code
17 Section 52-7-3, relating to definitions, by adding two new paragraphs to read as follows:

18 "(26.1) 'Wakeboarding' means the activity of:

19 (A) Being towed on a board with or without foot bindings by a motorboat across the
20 vessel's wake; or

21 (B) Operating a motorboat in a manner that creates a wake while towing a person on
22 a board with or without foot bindings.

23 (26.2) 'Wakesurfing' means the activity of:

24 (A) Surfing a motorboat's wake, regardless of whether the person is being pulled by
25 a tow rope attached to the motorboat that is producing the wake; or

26 (B) Operating a motorboat in a manner that creates a wake that is capable of being
27 surfed by another person."

SECTION 1-2.

28 Said article is further amended by adding a new Code section to read as follows:

29 "52-7-13.1.

30 (a) Except as provided in subsection (b) of this Code section, no person shall engage in
31 wakesurfing or wakeboarding upon waters of this state:

32 (1) Between sunset and sunrise;

33 (2) Within 200 feet of any moored vessel; any wharf, dock, pier, piling, or bridge
34 structure or abutment; or any shoreline adjacent to a full-time or part-time residence,
35 public park, public beach, public swimming area, marina, restaurant, or other public use
36 area; or
37

38 (3) When surfing a wake or being towed on a board, without wearing a personal flotation
39 device.

40 (b) This Code section shall not apply to:

41 (1) A regatta, boat race, marine parade, tournament, or exhibition for which the
42 commissioner has granted a marine event permit pursuant to Code Section 52-7-19; or

43 (2) Intracoastal waterways, rivers, or private lakes."

44 **PART II**

45 **SECTION 2-1.**

46 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
47 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (33.1) as
48 follows:

49 "(33.1) 'Multipurpose off-highway vehicle' means any motorized vehicle having features
50 specifically intended for utility use and having the following characteristics:

51 (A) Has the capability to transport persons or cargo or both;

52 (B) Operates between 25 miles per hour (40.2 kilometers per hour) and ~~50~~ 65 miles per
53 hour (~~80.4~~ 104.6 kilometers per hour);

54 (C) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of
55 accessories or attachments;

56 (D) Is designed to travel on four or more wheels;

57 (E) Uses a steering wheel for steering control;

58 (F) Contains a nonstraddle seat;

59 (G) Has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms); and

60 (H) Has a minimum cargo capacity of 350 pounds (159 kilograms)."

SECTION 2-2.

61
62 Said title is further amended by revising Code Section 40-2-27, relating to registration of
63 motor vehicles not manufactured to comply with federal emission and safety standards,
64 certificate of registration for an assembled motor vehicle or motorcycle or a converted motor
65 vehicle, and former military motor vehicles, as follows:

66 "40-2-27.

67 (a) No application shall be accepted and no certificate of registration shall be issued to any
68 motor vehicle which was not manufactured to comply with applicable federal emission
69 standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, known as the
70 Clean Air Act, as amended, and applicable federal motor vehicle safety standards issued
71 pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs
72 Service or the United States Department of Transportation has certified that the motor
73 vehicle complies with such applicable federal standards and unless all documents required
74 by the commissioner for processing an application for a certificate of registration or title
75 are printed and filled out in the English language or are accompanied by an English
76 translation.

77 (b) The provisions of subsection (a) of this Code section shall not apply to applications for
78 certificates of registration for such motor vehicles that have a manufactured date that is 25
79 years or older at the time of application. Certification of compliance shall only be required
80 at the time of application for the issuance of the initial Georgia certificate of registration.

81 (c) Applications for registration of such motor vehicles shall be accompanied by a Georgia
82 certificate of title, proof that an application for a Georgia certificate of title has been
83 properly submitted, or such other information and documentation of ownership as the
84 commissioner shall deem proper.

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

87 vehicle or motorcycle shall have been issued a certificate of title in Georgia and shall
88 comply with the provisions of such Code section.

89 (2) Before a certificate of registration is issued for a converted motor vehicle as such
90 term is defined in Code Section 40-3-30.1, such converted motor vehicle shall have been
91 issued a certificate of title in Georgia upon compliance with the inspection provisions of
92 such Code section.

93 (e) The provisions of subsection (a) of this Code section shall not apply to applications for
94 certificates of registration for former military motor vehicles that are less than 25 years old
95 and manufactured for the United States military or multipurpose off-highway vehicles
96 manufactured after January 1, 2000."

97 **SECTION 2-3.**

98 Said title is further amended in Code Section 40-2-31, relating to license plate design and
99 revalidation and county decals, by revising subsection (b) as follows:

100 "(b) License plates issued pursuant to this chapter ~~Such license plates~~ shall be at least six
101 inches wide and not less than 12 inches in length, except that motorcycle license plates
102 ~~which~~ shall be at least four inches wide and not less than seven inches in length; and
103 license plates for low-speed vehicles and multipurpose off-highway vehicles shall be a size
104 determined by the commissioner. All license plates shall show in boldface characters the
105 month and year of expiration, the serial number, and either the full name or the
106 abbreviation of the name of the state, shall designate the county from which the license
107 plate was issued unless specifically stated otherwise in this chapter, and shall show such
108 other distinctive markings as in the judgment of the commissioner may be deemed
109 advisable, so as to indicate the class of weight of the vehicle for which the license plate was
110 issued. Any ~~and any~~ license plate for a low-speed vehicle or multipurpose off-highway
111 vehicle shall designate the vehicle as such. Such plates may also bear such figures,
112 characters, letters, or combinations thereof as in the judgment of the commissioner will to

113 the best advantage advertise, popularize, and otherwise promote Georgia as the 'Peach
 114 State.' Except for license plates issued pursuant to Article 2B of this chapter, ~~the~~ any
 115 license plate issued pursuant to this chapter shall be of such strength and quality that the
 116 plate shall provide a minimum service period of at least five years. The commissioner shall
 117 adopt rules and regulations, pursuant to the provisions of Chapter 13 of Title 50, the
 118 'Georgia Administrative Procedure Act,' for the design and issuance of new license plates
 119 and to implement the other provisions of this Code section."

120 SECTION 2-4.

121 Said title is further amended in Code Section 40-2-33, relating to issuance of license plates
 122 and decals, transfer of registration to a digital license plate, compensation of tag agents, and
 123 required identification, by adding a new paragraph to subsection (a) to read as follows:

124 "(2.1) The commissioner may provide for the issuance of a temporary operating permit
 125 for any multipurpose off-highway vehicle, to be displayed until such time as a license
 126 plate of the design required by Code Section 40-2-31 has been issued to the registrant as
 127 a replacement for such temporary operating permit; provided, however, that any such
 128 temporary operating permit shall designate the multipurpose off-highway vehicle as such;
 129 and provided, further, that the commissioner shall make available for issuance
 130 multipurpose off-highway vehicle license plates of the design required by Code Section
 131 40-2-31 not later than January 1, 2024."

132 SECTION 2-5.

133 Said title is further amended in Code Section 40-2-151, relating to annual license fees for
 134 operation of vehicles, by revising paragraph (2) of subsection (a) as follows:

135 "(2) For each motorcycle or multipurpose off-highway vehicle 20.00"

136 **SECTION 2-6.**

137 Said title is further amended in Code Section 40-3-30.1, relating to standards for issuance to
138 assembled motor vehicle and motorcycle or converted motor vehicle and inspections, by
139 revising subsection (f) as follows:

140 "(f) Unconventional motor vehicles or motorcycles shall not be titled or registered;
141 provided, however, that a multipurpose off-highway vehicle manufactured after January
142 1, 2000, shall be registered upon proper application and payment of the required fee."

143 **SECTION 2-7.**

144 Said title is further amended by revising Part 5 of Article 13 of Chapter 6, relating to
145 low-speed vehicles, as follows:

146 "Part 5

147 40-6-359.

148 Multipurpose off-highway vehicles shall be equipped with:

149 (1) Headlights;

150 (2) Brake lights;

151 (3) Taillights;

152 (4) A rearview mirror; and

153 (5) Safety belts.

154 40-6-360.

155 Every person operating a low-speed vehicle or multipurpose off-highway vehicle shall be
156 granted all the rights and shall be subject to all the duties applicable to the driver of any
157 other vehicle under this chapter except as to special regulations in this part and except as
158 to those provisions of this chapter which by their nature can have no application.

159 40-6-361.

160 (a) All low-speed vehicles and multipurpose off-highway vehicles are entitled to full use
161 of a lane, and no motor vehicle shall be driven in such a manner as to deprive any
162 ~~low-speed vehicle~~ such vehicles of the full use of a lane.

163 (b) The operator of a low-speed vehicle or multipurpose off-highway vehicle shall not
164 overtake and pass in the same lane occupied by the vehicle being overtaken.

165 (c) No person shall operate a low-speed vehicle or multipurpose off-highway vehicle
166 between lanes of traffic or between adjacent lines or rows of vehicles.

167 (d) Low-speed vehicles and multipurpose off-highway vehicles shall not be operated two
168 or more abreast in a single lane.

169 40-6-362.

170 (a) Low-speed vehicles shall be operated only on any highway where the posted speed
171 limit does not exceed 35 miles per hour. The operator of a low-speed vehicle shall not
172 operate such vehicle on any highway where the posted speed limit exceeds 35 miles per
173 hour.

174 (b) Multipurpose off-highway vehicles shall be operated only on highways that are part
175 of a county road system and shall be authorized to cross highways that are part of a
176 municipal street system or are part of the state highway system."

177

PART III

178

SECTION 3-1.

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