

Senate Bill 392

By: Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Dugan of the 30th, Wilkinson of the 50th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to provide for an additional definition; to provide for acceptance of applications for
3 registration for certain motor vehicles not in compliance with federal emission standards; to
4 provide for acceptance of applications for title for certain motor vehicles not in compliance
5 with federal emission standards; to exclude certain motor vehicles from the definition of
6 "unconventional motor vehicle or motorcycle"; to revise the time that a Class D license
7 holder is prohibited from driving a Class C motor vehicle on the public roads, streets, or
8 highways of this state; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
13 by adding a new subsection to Code Section 40-1-1, relating to definitions, to read as
14 follows:

15 "(17.1) 'Former military motor vehicle' means a motor vehicle which operates on the
16 ground, including a trailer, that was manufactured for use in any country's military forces
17 and is maintained to represent its military design, regardless of the vehicle's size, weight,
18 or year of manufacture. Such term shall not include motor vehicles armed for combat or
19 vehicles owned or operated by this state, the United States, or any foreign government."

20 **SECTION 2.**

21 Said title is further amended by revising Code Section 40-2-27, relating to registration of
 22 motor vehicles not manufactured to comply with federal emission and safety standards, as
 23 follows:

24 "40-2-27.

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

35 (b) The provisions of subsection (a) of this Code section shall ~~only~~ not apply to
 36 applications for certificates of registration for such motor vehicles ~~first registered in~~
 37 ~~Georgia after July 1, 1985~~ that have a manufactured date that is 25 years or older at the
 38 time of application. Certification of compliance shall only be required at the time of
 39 application for the issuance of the initial Georgia certificate of registration.

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

44 (d) Before a certificate of registration is issued for an assembled motor vehicle or
 45 motorcycle, such assembled motor vehicle or motorcycle shall have been issued a
 46 certificate of title in Georgia and shall comply with the provisions of Code Section
 47 40-3-30.1.

48 (e) The provisions of subsection (a) of this Code section shall not apply to applications for
 49 certificates of registration for former military motor vehicles that are less than 25 years old
 50 and manufactured for the United States military."

51 **SECTION 3.**

52 Said title is further amended by revising Code Section 40-3-30, relating to required
 53 compliance with federal motor vehicle safety standards, as follows:

54 "40-3-30.

55 (a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be
 56 accepted and no certificate of title shall be issued to any motor vehicle which was not
 57 manufactured to comply with applicable federal motor vehicle safety standards issued
 58 pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs
 59 Service or the United States Department of Transportation has certified that the motor
 60 vehicle complies with such applicable federal standards and unless all documents required
 61 by the commissioner for processing an application for a certificate of registration or title
 62 are printed and filled out in the English language or are accompanied by an English
 63 translation.

64 (b) The provisions of subsection (a) of this Code section shall ~~only~~ not apply to
 65 applications for certificates of title for such motor vehicles first titled in Georgia ~~after~~
 66 July 1, 1985 that have a manufactured date that is 25 years or older at the time of
 67 application. Certification of compliance shall only be required at the time of application
 68 for the issuance of the initial Georgia certificate of title.

69 (c) The provisions of subsection (a) of this Code section shall not apply to applications for
 70 certificates of title for former military motor vehicles that are less than 25 years old and
 71 manufactured for the United States military."

72 **SECTION 4.**

73 Said title is further amended by revising Code Section 40-3-30.1, relating to inspections for
 74 assembled motor vehicles, unconventional motor vehicles, and motorcycles, as follows:

75 "40-3-30.1.

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

77 (1) 'Assembled motor vehicle or motorcycle' or 'kit motor vehicle or motorcycle' means
 78 any motor vehicle or motorcycle that is:

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

81 (i) By an owner;

82 (ii) At the request of the owner by a third-party manufacturer of motor vehicles or
 83 motorcycles; and

84 (iii) Such manufacturer is not manufacturing and testing in accordance with federal
 85 safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and
 86 until the United States Customs Service or the United States Department of
 87 Transportation has certified that the motor vehicle complies with such applicable
 88 federal standards;

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

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

- 91 (D) Not otherwise excluded from emission requirements and is in compliance with
 92 Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles.
- 93 (2)(A) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or
 94 motorcycle that is manufactured, including, but not limited to, all-terrain vehicles,
 95 off-road vehicles, motorized carts, motor driven cycles, and mopeds, and that is not in
 96 compliance with the following:
- 97 ~~(A)~~(i) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;
 98 ~~(B)~~(ii) Applicable federal motor vehicle safety standards issued pursuant to 49
 99 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service
 100 or the United States Department of Transportation has certified that the motor vehicle
 101 complies with such applicable federal standards; or
 102 ~~(C)~~(iii) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section
 103 7401 through Section 7642, the 'Clean Air Act,' as amended.
- 104 (B) Such term shall not include former military motor vehicles.
- 105 (b) In addition to the requirements contained in Code Section 40-3-30, prior to the
 106 issuance of a certificate of title to the owner of an assembled motor vehicle or motorcycle,
 107 the owner shall cause such assembled motor vehicle or motorcycle to be inspected in order
 108 to establish:
- 109 (1) The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other
 110 verifiable documentation of purchase of all major components; and
- 111 (2) That such assembled motor vehicle or motorcycle complies with:
- 112 (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and
 113 (B) If applicable, federal emission standards issued pursuant to 42 U.S.C.A. Section
 114 7401 through Section 7642, the 'Clean Air Act,' as amended.
- 115 (c) The inspection conducted under subsection (b) of this Code section shall only be for
 116 the purpose of establishing that such assembled motor vehicle or motorcycle is eligible to
 117 receive a certificate of title.
- 118 (d) The department shall be authorized to charge an inspection fee.
- 119 (e) Unconventional motor vehicles or motorcycles shall not be titled or registered."

120 **SECTION 5.**

121 Said title is further amended by revising subparagraph (b)(2)(A) of Code Section 40-5-24,
 122 relating to instruction permits, graduated licensing and related restrictions, and temporary
 123 licenses, as follows:

124 "(A) Any Class D license holder shall not drive a Class C motor vehicle on the public
 125 roads, streets, or highways of this state between the hours of 12:00 Midnight and ~~6:00~~
 126 5:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and"

127

SECTION 6.

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