

The Senate Committee on Public Safety offered the following substitute to HB 1239:

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 the operation of miniature on-road vehicles on certain highways;
3 to provide for standards for registration of such vehicles; to provide for conditions,
4 procedures, and limitations for issuance of temporary operating permits for motor vehicles;
5 to revise provisions relative to the operation of an unregistered motor vehicle or vehicle
6 without a current license plate, revalidation decal, county decal, or temporary operating
7 permit; to authorize the development and maintenance by third parties of an electronic
8 temporary operating permit issuance system for issuance of temporary operating permits; to
9 provide for utilization of such system by dealers for issuance of temporary operating permits;
10 to provide for the suspension of access to such system by the department for certain
11 violations; to provide for notice and hearings; to provide for issuance of license plates for
12 miniature on-road vehicles; to provide for an annual licensing fee for such vehicles; to
13 provide for issuance of certificates of title by the Department of Revenue for such vehicles;
14 to provide for equipment and operating standards for such vehicles; to provide local
15 authorities with the power to prohibit operation of miniature on-road vehicles; to require
16 posting of notice of such prohibition upon highways; to revise and provide for a definition;
17 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
18 for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
22 amended in Code Section 40-1-1, relating to definitions, by revising paragraph (27.1) and
23 adding a new paragraph to read as follows:

24 "(27.1) 'Miniature on-road vehicle' means any motorized vehicle designed and
25 manufactured for use upon roadways in another country that has been imported into the
26 United States with a valid certificate of title or registration from the exporting country
27 and in compliance with all federal importation requirements and which has the following
28 characteristics:

29 (A) Has the capability to transport persons;

30 (B) Operates between 25 miles per hour (40.2 kilometers per hour) and 65 miles per
31 hour (104.6 kilometers per hour);

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

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

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

36 (F) Contains a nonstraddle seat;

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

38 (H) Is not designed or manufactured as a golf cart, all-terrain vehicle, or multipurpose
39 off-highway vehicle.

40 (27.2) 'Minimal risk condition' means a low-risk operating mode in which a fully
41 autonomous vehicle operating without a human driver achieves a reasonably safe state,
42 such as bringing the vehicle to a complete stop, upon experiencing a failure of the
43 vehicle's automated driving system that renders the vehicle unable to perform the entire
44 dynamic driving task."

45

SECTION 2.

46 Said title is further amended by revising Code Section 40-2-8, relating to operation of
47 unregistered vehicle or vehicle without current license plate, revalidation decal, or county
48 decal and temporary operating permit issued by dealers of new or used motor vehicles, as
49 follows:

50 "40-2-8.

51 (a) No person shall own, rent, lease, loan, or operate any vehicle required to be registered
52 pursuant to Code Section 40-2-20 upon a highway in this state without registering such
53 vehicle. Any person who becomes a resident of this state shall register his or her vehicle
54 within 30 days of becoming a resident. Each day that a vehicle is in violation of this Code
55 section shall be deemed to be a separate and distinct offense. Any person convicted of such
56 offense shall be guilty of a misdemeanor and punished by a fine of \$100.00 for each
57 violation. Any person owning or operating any vehicle described in Code Section 40-2-20
58 on any public highway or street without complying with that Code section shall be guilty
59 of a misdemeanor, provided that a person shall register his or her motor vehicle within 30
60 days after becoming a resident of this state. Any person renting, leasing, or loaning any
61 vehicle described in Code Section 40-2-20 which is being used on any public highway or
62 street without complying with that Code section shall be guilty of a misdemeanor and, upon
63 conviction thereof, shall be punished by a fine of \$100.00 for each violation; and each day
64 that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be
65 a separate and distinct offense.

66 (b)(1) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle
67 required to be registered in this state pursuant to Code Section 40-2-20 without a valid
68 numbered license plate properly validated with a current revalidation decal, unless such
69 operation is otherwise permitted under this chapter; and provided, further, that the
70 purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles
71 who displays a temporary operating permit issued as provided by ~~paragraph (2) of this~~

72 ~~subsection Code Section 40-2-8.1~~ may operate such vehicle on the public highways and
73 ~~streets~~ of this state without a current valid license plate during the period ~~within which~~
74 ~~the purchaser is required by Code Section~~ authorized by Code Sections 40-2-8.1 and
75 40-2-20. An owner acquiring a motor vehicle from an entity that is not a new or used
76 vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29 unless
77 such vehicle is to be registered under the International Registration Plan pursuant to
78 Article 3A of this chapter.

79 ~~(2)(A) Any dealer of new or used motor vehicles shall issue to the purchaser of a~~
80 ~~vehicle at the time of sale thereof, unless such vehicle is to be registered under the~~
81 ~~International Registration Plan, a temporary operating permit as provided for by~~
82 ~~department rules or regulations which may bear the dealer's name and location and shall~~
83 ~~bear an expiration date 45 days from the date of purchase. The expiration date of such~~
84 ~~a temporary operating permit may be revised and extended by the county tag agent~~
85 ~~upon application by the dealer, the purchaser, or the transferee if an extension of the~~
86 ~~purchaser's initial registration period has been granted as provided by Code~~
87 ~~Section 40-2-20. Such temporary operating permit shall not resemble a license plate~~
88 ~~issued by this state and shall be issued without charge or fee. The requirements of this~~
89 ~~paragraph shall not apply to a dealer whose primary business is the sale of salvage~~
90 ~~motor vehicles and other vehicles on which total loss claims have been paid by insurers.~~

91 ~~(B) All temporary operating permits issued by dealers to purchasers of vehicles shall~~
92 ~~be of a standard design prescribed by regulation promulgated by the department. The~~
93 ~~department may provide by rule or regulation for the sale and distribution of such~~
94 ~~temporary operating permits by third parties in accordance with paragraph (3) of this~~
95 ~~subsection.~~

96 ~~(3) All sellers and distributors of temporary operating permits shall maintain an~~
97 ~~inventory record of temporary operating permits by number and name of the dealer.~~

98 ~~(4)(2)~~ The purchaser and operator of a vehicle shall not be subject to the penalties set
 99 forth in this Code section during the period allowed for the registration of such vehicle.
 100 ~~If the owner of such vehicle presents evidence that such owner has properly applied for~~
 101 ~~the registration of such vehicle, but that the license plate or revalidation decal has not~~
 102 ~~been delivered to such owner, then the owner shall not be subject to the penalties~~
 103 ~~enumerated in this subsection.~~

104 (c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle
 105 required to be registered in ~~the State of Georgia~~ this state without a valid county decal
 106 designating the county where the vehicle was last registered, unless such operation is
 107 otherwise permitted under this chapter. ~~Any person convicted of such offense shall be~~
 108 ~~punished by a fine of \$25.00 for a first offense and \$100.00 for a second or subsequent~~
 109 ~~such offense. However, a A county name decal shall not be required if there is no space~~
 110 ~~provided for a county name decal on the current license plate. Any person convicted of a~~
 111 ~~violation of this subsection shall be subject to a fine not to exceed \$25.00 if that person~~
 112 ~~shows to the court having jurisdiction of the offense that the proper revalidation decal had~~
 113 ~~been obtained prior to the time of the offense.~~

114 ~~(d) No violation of this Code section shall have occurred upon presentation of evidence~~
 115 ~~that the owner had properly applied for the registration of such vehicle, but that the license~~
 116 ~~plate or revalidation decal had not been delivered to such owner at the time the uniform~~
 117 ~~traffic citation was issued.~~

118 ~~(e) The commissioner is authorized to promulgate rules and regulations necessary to~~
 119 ~~effectuate the provisions of this Code section.~~

120

SECTION 3.

121 Said title is further amended by revising Code Section 40-2-8.1, relating to operation of
 122 vehicle without revalidation decal on license plate, as follows:

123 "40-2-8.1.

124 ~~Notwithstanding Code Section 40-2-8 or any other provision of law, a person who operates~~
125 ~~a vehicle which is required to be registered in this state and which has attached to the rear~~
126 ~~thereof a valid numbered license plate without having the required revalidation decal~~
127 ~~affixed upon that plate, which person is otherwise guilty of a misdemeanor for not having~~
128 ~~such decal affixed to the plate, shall be subject for that offense only to a fine not to exceed~~
129 ~~\$25.00 if that person shows to the court having jurisdiction of the offense that the proper~~
130 ~~revalidation decal had been obtained prior to the time of the offense.~~

131 (a) Any dealer of new or used motor vehicles shall issue a temporary operating permit
132 without charge or fee to the purchaser of a vehicle at the time of sale thereof, unless such
133 vehicle is to be registered under the International Registration Plan or such dealer is one
134 whose primary business is the sale of salvage motor vehicles and other vehicles on which
135 total loss claims have been paid by insurers. Such temporary operating permit shall be of
136 a standard design prescribed the department; provided, however, that such permit shall not
137 resemble a license plate issued by this state. A temporary operating permit may bear the
138 name and location of the dealer and shall include an expiration date which shall be 45 days
139 from the date of purchase. The expiration date of a temporary operating permit may be
140 revised and extended by the county tag agent upon application by the dealer, purchaser, or
141 transferee if an extension of the purchaser's initial registration period has been granted as
142 provided by Code Section 40-2-20.

143 (b)(1) The department may provide by rule or regulation for the sale and distribution of
144 temporary operating permits to dealers by third parties through the development and
145 maintenance of an electronic temporary operating permit issuance system and establish
146 standards for distribution and issuance of such permits. The department may further
147 provide by rule or regulation for standards for authorized access to an electronic
148 temporary operating permit issuance system, which may include, but shall not be limited
149 to, required criminal background checks for any user of the system. Any third party

150 authorized to distribute and issue temporary operating permits shall maintain an inventory
151 record of such permits by number and name of the dealer.

152 (2)(A) The department shall be authorized to suspend access to the electronic
153 temporary operating permit issuance system established pursuant to this subsection for
154 any dealer found to have issued a temporary operating permit for a vehicle which has
155 not been sold or intended to be registered or that otherwise violated requirements for
156 issuance of such permits established by rule or regulation of the department after
157 issuance of notice of such violation by electronic means and opportunity for informal
158 review as set forth in this subparagraph. Any dealer that has received notice pursuant
159 to this subsection of an alleged violation and for which the department intends to
160 suspend access to the electronic temporary operating permit issuance system may
161 request an informal review of the allegations with the department. The method for
162 making such request shall be developed by the department and may be by electronic
163 means. Upon receipt of such request for informal review, the department shall, within
164 ten business days, schedule an informal conference with such dealer to review the
165 suspected violations. Proceedings under this subparagraph shall not be governed by
166 any formal procedural requirements and may be conducted in such manner as the
167 department may establish by rule or regulation. The department shall consider the
168 historical use of the electronic temporary operating permit issuance system by the
169 dealer under consideration for access suspension, together with other pertinent
170 information which may be available, and shall render a decision regarding access to the
171 electronic temporary operating permit issuance system within seven business days of
172 the informal conference. Upon a finding that such dealer violated the requirements of
173 this Code section or rules and regulations of the department, the department shall
174 suspend access to the electronic temporary operating permit issuance system for a
175 period of no longer than six months and notify such dealer of its decision.

176 (B) If the department suspends a dealer's access to the electronic temporary operating
177 permit issuance system established pursuant to this subsection after an informal review
178 held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall have
179 the right to request a formal hearing to review the suspension pursuant to Code Section
180 40-3-6. At such hearing, the department may present evidence of any instances in
181 which the suspended dealer unlawfully issued temporary operating permits or issued
182 fraudulent temporary operating permits. Upon a finding that the suspended dealer is
183 in compliance with the requirements of this Code section and only issued temporary
184 operating permits for bona fide motor vehicle sales, the department shall provide for the
185 immediate restoration of access to the electronic temporary operating permit issuance
186 system for such dealer. Upon a finding that the suspended dealer violated the
187 requirements of this Code section or rules and regulations of the department, the
188 department shall be authorized to extend the term of suspension for a period of up to
189 24 months. Upon a finding that a dealer unlawfully issued temporary operating permits
190 in violation of this chapter or rules and regulations of the department, the department
191 shall further be authorized to issue a civil monetary penalty in an amount no greater
192 than \$100.00 per violation, suspend or revoke the registration issued to a dealer
193 pursuant to Code Section 40-2-39, and suspend, confiscate, or limit issuance of any
194 dealer plates issued pursuant to Code Section 40-2-38 for a period of up to 24 months.
195 The department shall comply with Chapter 13 of Title 50, the 'Georgia Administrative
196 Procedure Act,' in relation to the hearing provided for in this subparagraph and the
197 suspended dealer shall have the right to appeal any decision of the department in
198 accordance with such chapter.

199 (c) The commissioner is authorized to promulgate rules and regulations necessary to
200 effectuate the provisions of this Code section."

201 **SECTION 4.**

202 Said title is further amended in Code Section 40-2-27, relating to registration of motor
203 vehicles not manufactured to comply with federal emission and safety standards, certificate
204 of registration for an assembled motor vehicle or motorcycle or a converted motor vehicle,
205 and former military motor vehicles, by revising subsection (e) as follows:

206 "(e) The provisions of subsection (a) of this Code section shall not apply to applications
207 for certificates of registration for former military motor vehicles that are less than 25 years
208 old and manufactured for the United States military, ~~or~~ multipurpose off-highway vehicles
209 manufactured after January 1, 2000, or miniature on-road vehicles manufactured more than
210 25 years prior to application; provided, however, that the exception provided by this
211 subsection shall be applicable to miniature on-road vehicles manufactured less than 25
212 years prior to application that have been modified by an importer registered with the United
213 States Department of Transportation to comply with applicable federal motor vehicle safety
214 standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., and certified by such
215 importer as such."

216 **SECTION 5.**

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

219 "(b) License plates issued pursuant to this chapter shall be at least six inches wide and not
220 less than 12 inches in length, except that motorcycle license plates shall be at least four
221 inches wide and not less than seven inches in length and license plates for low-speed
222 vehicles, miniature on-road vehicles, and multipurpose off-highway vehicles shall be a size
223 determined by the commissioner. All license plates shall show in boldface characters the
224 month and year of expiration, the serial number, and either the full name or the
225 abbreviation of the name of the state, shall designate the county from which the license
226 plate was issued unless specifically stated otherwise in this chapter, and shall show such

227 other distinctive markings as in the judgment of the commissioner may be deemed
 228 advisable, so as to indicate the class of weight of the vehicle for which the license plate was
 229 issued. Any license plate for a low-speed vehicle, miniature on-road vehicle, or
 230 multipurpose off-highway vehicle shall designate the vehicle as such. Such plates may also
 231 bear such figures, characters, letters, or combinations thereof as in the judgment of the
 232 commissioner will to the best advantage advertise, popularize, and otherwise promote
 233 Georgia as the 'Peach State.' Except for license plates issued pursuant to Article 2B of this
 234 chapter, any license plate issued pursuant to this chapter shall be of such strength and
 235 quality that the plate shall provide a minimum service period of at least five years. The
 236 commissioner shall adopt rules and regulations, pursuant to the provisions of Chapter 13
 237 of Title 50, the 'Georgia Administrative Procedure Act,' for the design and issuance of new
 238 license plates and to implement the other provisions of this Code section."

239

SECTION 6.

240 Said title is further amended in Code Section 40-2-33, relating to issuance of license plates
 241 and decals, transfer of registration to a digital license plate, compensation of tag agents, and
 242 required identification, by revising paragraphs (2.1) and (3) of subsection (a) as follows:

243 "(2.1) The commissioner may provide for the issuance of a temporary operating permit
 244 for any ~~multipurpose off-highway~~ miniature on-road vehicle, to be displayed until such
 245 time as a license plate of the design required by Code Section 40-2-31 has been issued
 246 to the registrant as a replacement for such temporary operating permit; provided,
 247 however, that any such temporary operating permit shall designate the ~~multipurpose~~
 248 ~~off-highway~~ miniature on-road vehicle as such; and provided, further, that the
 249 commissioner shall make available for issuance ~~multipurpose off-highway~~ miniature
 250 on-road vehicle license plates of the design required by Code Section 40-2-31 not later
 251 than January 1, ~~2024~~ 2025.

252 (3) At the time of initial application for registration or at any time during the registration
 253 period, a vehicle owner may file with the county tag agent, on a form or electronic form
 254 prescribed by the commissioner, a request to have a vehicle license plate duplicated on
 255 a digital license plate purchased from a digital license plate provider. Such request to the
 256 county tag agent shall include all applicable registration fees. Upon approving the
 257 application provided in this paragraph, the commissioner or county tag agent shall furnish
 258 the digital license plate provider with the appropriate licensing information to be
 259 displayed upon the digital license plate. In accordance with Code Section ~~40-2-8~~
 260 40-2-8.1, a 45 day temporary operating permit shall be issued by the commissioner or
 261 county tag agent to an applicant for a digital license plate until such license plate is
 262 received by the applicant."

263 **SECTION 7.**

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

266 "(2) For each motorcycle, miniature on-road vehicle, or multipurpose
 267 off-highway vehicle 20.00"

268 **SECTION 8.**

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

272 "(f) Unconventional motor vehicles or motorcycles shall not be titled or registered;
 273 provided, however, that ~~a multipurpose off-highway vehicle manufactured after January~~
 274 ~~1, 2000~~, the following unconventional motor vehicles shall be registered upon proper
 275 application and payment of the required fee:

276 (1) A multipurpose off-highway vehicle manufactured after January 1, 2000;

277 (2) A miniature on-road vehicle manufactured more than 25 years prior to application;
278 and
279 (3) A miniature on-road vehicle manufactured less than 25 years prior to application that
280 has been modified by an importer registered with the United States Department of
281 Transportation to comply with applicable federal motor vehicle safety standards issued
282 pursuant to 49 U.S.C.A. Section 30101, et seq., and certified by such importer as such."

283 **SECTION 9.**

284 Said title is further amended by revising Part 5 of Article 13 of Chapter 6, relating to
285 low-speed or multipurpose off-highway vehicles, as follows:

286 "Part 5

287 40-6-359.

288 Multipurpose off-highway vehicles and miniature on-road vehicles shall be equipped with:

- 289 (1) Headlights;
290 (2) Brake lights;
291 (3) Taillights;
292 (4) A rearview mirror; and
293 (5) Safety belts.

294 40-6-360.

295 Every person operating a low-speed vehicle, miniature on-road vehicle, or multipurpose
296 off-highway vehicle shall be granted all the rights and shall be subject to all the duties
297 applicable to the driver of any other vehicle under this chapter except as to special
298 regulations in this part and except as to those provisions of this chapter which by their
299 nature can have no application.

300 40-6-361.

301 (a) All low-speed vehicles, miniature on-road vehicles, and multipurpose off-highway
302 vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a
303 manner as to deprive any such vehicles of the full use of a lane.

304 (b) The operator of a low-speed vehicle, miniature on-road vehicle, or multipurpose
305 off-highway vehicle shall not overtake and pass in the same lane occupied by the vehicle
306 being overtaken.

307 (c) No person shall operate a low-speed vehicle, miniature on-road vehicle, or
308 multipurpose off-highway vehicle between lanes of traffic or between adjacent lines or
309 rows of vehicles.

310 (d) Low-speed vehicles, miniature on-road vehicles, and multipurpose off-highway
311 vehicles shall not be operated two or more abreast in a single lane.

312 40-6-362.

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

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

320 (c) Miniature on-road vehicles shall be operated only on highways that are part of a
321 municipal street system or county road system, provided that such operation has not been
322 prohibited through ordinance or resolution within a local jurisdiction, and shall be
323 authorized to cross highways that are part of the state highway system."

324

SECTION 10.

325 Said title is further amended in Code Section 40-6-371, relating to powers of local authorities
326 generally, by revising paragraphs (18.1) through (20) of subsection (a) and subsection (c) as
327 follows:

328 ~~"(18.1)~~(19) Regulating the operation of electric personal assistive mobility devices,
329 provided that such regulations are no less restrictive than those imposed by Part 2A of
330 Article 13 of this chapter;

331 ~~(18.2)~~(20) Regulating the operation of personal transportation vehicles, provided that
332 such regulations comply with Parts 3 and 6 of Article 13 of this chapter;

333 (21) Prohibiting the operation of miniature on-road vehicles as authorized in Code
334 Section 40-6-362;

335 ~~(19)~~(22) Adopting and enforcing such temporary or experimental regulations as may be
336 necessary to cover emergencies or special conditions; or

337 ~~(20)~~(23) Adopting such other traffic regulations as are specifically authorized by this
338 chapter."

339 "(c) No ordinance or regulation enacted under paragraph (4), (5), (6), (8), (9), (10), (11),
340 (12), (13), (14), (15), (16), (17), (18), ~~or (18.2) (20), or (21)~~ of subsection (a) of this Code
341 section shall be effective until official traffic-control devices giving notice of such local
342 traffic regulations are erected upon or at the entrances to the highway or the part thereof
343 affected as may be most appropriate."

344

SECTION 11.

345 This Act shall become effective on October 1, 2024.

346

SECTION 12.

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