



# Public Safety Committee Special Called Meeting

Holly Springs Public Safety Building, Council Chambers  
3235 Holly Springs Pkwy. Holly Springs, GA 30115  
Monday, May 6, 2024 | 6:00 PM

---

Jeff Wilbur - Chair | Kevin Moore - Co-Chair

---

## AGENDA

### I. CALL TO ORDER

### II. OLD BUSINESS

### III. NEW BUSINESS

- A. House Bill 121 relating to the registration of Multipurpose Off-Highway Vehicles.

### IV. REPORTS

### V. ADJOURNMENT

# STAFF REPORT

**AGENDA ITEM NUMBER: III.A.**



**FROM:** Robert H. Logan, City Manager

**MEETING DATE:** May 6, 2024

**AGENDA ITEM:** House Bill 121 relating to the registration of Multipurpose Off-Highway Vehicles.

---

## **EXECUTIVE SUMMARY:**

HB 121 provides for the registration of Multipurpose Off-Highway Vehicles. Only MPOHVs manufactured after January 1, 2000, may be registered. Not all vehicles built for off-road purposes or purposes other than driving on roads will qualify as MPOHVs eligible for registration.

## **FISCAL IMPACT:**

## **ATTACHMENTS:**

1. Georgia HB121
2. Policy Bulletin MVD-2023-06B

## **STAFF RECOMMENDATION:**

## **CONCURRENCES:**

House Bill 121 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10<sup>th</sup>, Powell of the 33<sup>rd</sup>, McDonald of the 26<sup>th</sup>, Gunter of the 8<sup>th</sup>, Yearta of the 152<sup>nd</sup>, 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:

H. B. 121

- 1 -

13 **PART I**

14 **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 surfing by another person."

28 **SECTION 1-2.**

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

30 "52-7-13.1.

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

33 (1) Between sunset and sunrise;

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

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)."

61 **SECTION 2-2.**

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."

**SECTION 2-4.**

120  
 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."

**SECTION 2-5.**

132  
 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.



# GEORGIA DEPARTMENT OF REVENUE

## ▪ MOTOR VEHICLE DIVISION ▪

P.O. Box 740381, Atlanta, GA 30374-0381 ▪ Tel: 1-855-406-5221

Frank M. O'Connell, State Revenue Commissioner

Robert Worle, Director

Policy Bulletin MVD-2023-06B

## NOTICE TO DRIVERS

### Registering Multipurpose Off-Highway Vehicles

Effective December 1, 2023, owners of multipurpose off-highway vehicles (MPOHVs) may voluntarily register their vehicles so they may be driven on county roads. For vehicles that qualify as MPOHVs, owners will be able to register their vehicles and receive a certificate of registration and a license plate. MPOHVs will not be titled.

The Department of Revenue (Department) will implement this legislation in phases to allow for process efficiency at the local level, to promote safety for Georgia drivers, and to design system enhancements for DRIVES. The Department is committed to making the first registrations and the first license plates available December 1, 2023.

The Department will continue to provide implementation guidance for county tag offices and owners of MPOHVs over the coming months. Please see below the answers to some frequently asked questions the Department has received with the signing of HB 121, which provided for the registration of MPOHVs.

#### **When will owners be able to register MPOHVs?**

The Department will open registration of MPOHVs and begin issuing metal license plates on December 1, 2023. Due to the volume and variety of MPOHVs eligible for registration, the Department will need until December 1 to complete all phases of the rollout for the MPOHV registration process. The County Tag Offices will receive and process the registration applications and issue a temporary operating permit that can be used as a license plate until the metal plate can be mailed to the customer.

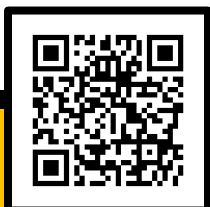
#### **Is registration of MPOHVs required?**

No. Owners of MPOHVs may continue to use the vehicles solely for off-road purposes without registration.

#### **What vehicles can be registered?**

HB 121 provides for the registration of "multipurpose off-highway vehicles." Only MPOHVs manufactured after January 1, 2000 may be registered. Not all vehicles built for off-road purposes or purposes other than driving on roads will qualify as MPOHVs eligible for registration.

MPOHVs must have "features specifically intended for utility use" and meet several specifications. MPOHVs must operate at speeds between 25 miles per hour and 65 miles per hour. MPOHVs cannot be wider than 80 inches. MPOHVs must have a gross vehicle weight rating of less than 4,000 pounds and must have a minimum cargo capacity of 350



For more information, please visit the Motor Vehicle Division website at [dor.georgia.gov/motor-vehicles](https://dor.georgia.gov/motor-vehicles) or scan the QR code.

pounds. MPOHVs must travel on four or more wheels, use a steering wheel, and use a nonstraddle seat. These requirements exclude the registration of dirt bikes, three-wheelers, four-wheelers, and other vehicles with handlebar steering, straddle seats, or less than four wheels.

MPOHVs must also have features specifically intended for utility use. Generally, this means that MPOHVs must be vehicles designed and manufactured primarily for performing off-road tasks in agricultural, construction or industrial settings. This will exclude vehicles made for on-road use, regardless of whether such on-road use was intended for highways within Georgia or elsewhere. This will also exclude golf carts, which are designed primarily for recreational use and do not have features specifically intended for utility use.

Generally, side-by-side utility vehicles, often called “utility task vehicles” or “UTVs,” will be eligible for registration, subject to compliance with the statutorily prescribed vehicle characteristics and safety features.

### **What are the state safety requirements for MPOHVs?**

HB 121 requires that MPOHVs be equipped with headlights, brake lights, taillights, a rearview mirror, and safety belts. Please note that these vehicles are not subject to compliance with federal motor vehicle safety regulations for registration.

### **Will MPOHVs be titled?**

No. MPOHVs cannot be titled in Georgia. County tag offices will be able to register and issue license plates for MPOHVs that meet all the law’s requirements.

### **May registered MPOHVs be driven on all roads?**

No. Once an MPOHV has been registered and issued either a license plate or a temporary operating permit, a driver with a valid driver’s license will be able to operate the registered vehicle on county roads. HB 121 provides that such vehicles “shall be operated only on highways that are part of a county road system and shall be authorized to cross highways that are part of a municipal street system or part of the state highway system.” MPOHVs are not permitted to be driven on interstates, state highways, or city streets.

### **Will motor vehicle insurance be required for MPOHVs?**

Yes. HB 121 does not exclude these vehicles from the normal registration requirements for motor vehicles. Motor vehicles driven on the roads of this state must have minimum liability auto insurance coverage.

### **What is the annual registration fee for MPOHVs?**

The annual registration fee is \$20.

### **Will I be required to register or renew my MPOHV each year?**

Registration of MPOHVs is voluntary. If you wish to obtain a license plate for a specific MPOHV so that you may drive it on county roads, then you will need to register the vehicle. After initial registration, an MPOHV registration must be renewed each year, or it will expire.

