

The House Committee on Rules offers the following substitute to SB 110:

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 vehicle registration of special mobile equipment that are
3 self-propelled cranes in order to authorize operation of such upon public highways; to
4 provide for exceptions from certain federal requirements for certain vehicles and equipment
5 to allow for registration; to authorize the issuance of certificates of title for self-propelled
6 cranes; to provide for an annual licensing fee for such equipment; to revise responsibilities
7 of motor vehicle operators when encountering a funeral procession on a two-lane highway;
8 to revise and provide for definitions; to amend Article 10 of Chapter 5 of Title 48 of the
9 Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles and
10 motor homes, so as to provide for a definition; to subclassify multipurpose off-highway
11 vehicles for ad valorem taxation purposes; to provide that such vehicles shall not be returned
12 or taxed for ad valorem taxation purposes; to provide for related matters; to provide for
13 effective dates and applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-1-1, relating to definitions, by revising paragraphs (33.1) and (59) and by adding a new paragraph to read as follows:

"(33.1)(A) 'Multipurpose off-highway vehicle' means any self-propelled, motorized vehicle ~~having features that~~:

(i) Has features specifically intended for utility use ~~and having the following characteristics;~~

(ii) Was originally manufactured to be primarily used off-highway;

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

~~(B)~~(iv) Operates between 25 miles per hour (~~40.2~~ 40 kilometers per hour) and 65 miles per hour (~~104.6~~ 105 kilometers per hour);

~~(C)~~(v) Has an overall width of 80 inches (~~2,030 millimeters~~) (203 centimeters) or less, exclusive of accessories or attachments;

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

~~(E)~~(vii) Uses a steering wheel for steering control;

~~(F)~~(viii) Contains a nonstraddle seat;

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

~~(H)~~(x) Has a minimum cargo capacity of 350 pounds (159 kilograms).

(B) Such term shall not include any all-terrain vehicle, low-speed vehicle, passenger car, or personal transportation vehicle."

"(55.1) 'Self-propelled crane' means special mobile equipment manufactured to lift and transport loads suspended from a hook or other type of holding mechanism that is equipped with rubber tires in compliance with Code Section 40-8-74."

"(59) 'Special mobile equipment' means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over

42 a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus,
43 and road construction and maintenance machinery such as asphalt spreaders, bituminous
44 mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders,
45 finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and
46 scrapers, power shovels and drag lines, and ~~self-propelled cranes~~ and earth-moving
47 equipment. The term does not include house trailers, dump trucks, truck mounted transit
48 mixers, cranes or shovels, or other vehicles designed for the transportation of persons or
49 property to which machinery has been attached."

50 **SECTION 2.**

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

55 "(e) The provisions of subsection (a) of this Code section shall not apply to applications
56 for certificates of registration for ~~former~~;

57 (1) Former military motor vehicles that are less than 25 years old and manufactured for
58 the United States military ~~or multipurpose~~;

59 (2) Multipurpose off-highway vehicles manufactured after January 1, 2000; or

60 (3) Self-propelled cranes."

61 **SECTION 3.**

62 Said title is further amended in Code Section 40-2-151, relating to annual license fees for
63 operation of vehicles, by revising paragraph (3) of subsection (a) as follows:

64 "(3)(A) For each private commercial motor vehicle and self-propelled crane
65 in accordance with the owner declared gross vehicle weight rating, as follows:

66 (i) Less than 18,001 lbs. 25

67 (ii) 18,001 to 26,000 lbs. 38
68 (iii) 26,001 to 30,000 lbs. 45
69 (iv) 30,001 to 36,000 lbs. 70
70 (v) 36,001 to 44,000 lbs. 115
71 (vi) 44,001 to 54,999 lbs. 190
72 (vii) 55,000 to 63,280 lbs. 300
73 (viii) 63,281 lbs. to maximum permitted 400

74 (B) Subparagraph (A) of this paragraph notwithstanding:

- 75 (i) A straight truck which is not a truck-tractor shall not be classified higher
76 than \$75.00;
77 (ii) A straight truck hauling fertilizer or agricultural products shall not be
78 classified higher than \$31.00; and
79 (iii) A truck-tractor hauling fertilizer, milk, or crops as defined in
80 paragraph (7.1) of Code Section 1-3-3 shall not be classified higher than
81 \$220.00;"

82 **SECTION 4.**

83 Said title is further amended in Code Section 40-3-4, relating to exclusions from issuance of
84 certificate of title, by revising paragraph (7) as follows:

85 "(7) Special mobile equipment other than self-propelled cranes;"

86 **SECTION 5.**

87 Said title is further amended in Code Section 40-3-30, relating to requirement of compliance
88 with federal safety standards, by revising subsections (c) and (d) as follows:

89 "(c) The provisions of subsection (a) of this Code section shall not apply to applications
90 for certificates of title for ~~former~~;

- 91 (1) Former military motor vehicles that are less than 25 years old and manufactured for
92 the United States military;:
- 93 ~~(d)(2) Converted The provisions of subsection (a) of this Code section shall not apply~~
94 ~~to applications for certificates of title for converted motor vehicles as such term is defined~~
95 ~~in Code Section 40-3-30.1; or~~
- 96 (3) Self-propelled cranes."

97 **SECTION 6.**

98 Said title is further amended in Code Section 40-3-30.1, relating to standards for issuance to
99 assembled motor vehicle and motorcycle or converted motor vehicle and inspections, by
100 revising subparagraph (a)(3)(B) as follows:

101 "(B) Such term shall not include former military motor vehicles or self-propelled
102 cranes."

103 **SECTION 7.**

104 Said title is further amended by revising Code Section 40-6-76, relating to funeral
105 processions, as follows:

106 "40-6-76.

107 (a) As used in this Code section, a the term 'funeral procession' means an array of motor
108 vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia furnished
109 by a funeral home indicating a funeral procession unless led by a state or local law
110 enforcement vehicle and each vehicle participating in the funeral procession is operating
111 its headlights.

112 (b) Funeral processions shall have the right of way at intersections subject to the following
113 conditions and exceptions:

- 114 (1) Operators of vehicles in a funeral procession shall yield the right of way upon the
115 approach of an authorized emergency vehicle or law enforcement vehicle giving an
116 audible and visual signal; and
- 117 (2) Operators of vehicles in a funeral procession shall yield the right of way when
118 directed to do so by a traffic officer.
- 119 (c) Funeral processions in which both the lead and rear vehicles display flashing hazard
120 lights or which are escorted by the police, a sheriff, or a sheriff's deputy shall have the right
121 of way in any street or highway through which they may pass, and, upon any two-lane
122 highway, the operator of every vehicle not participating in such funeral procession shall
123 yield the right of way and shall immediately drive to a position parallel to, and as close as
124 possible to, the right-hand edge or curb of the roadway clear of any intersection and shall
125 stop and remain in such position until the funeral procession has passed, except when
126 otherwise directed by a traffic officer. Local governments may, by ordinance, provide for
127 such law enforcement escort service and provide for the imposition of reasonable fees to
128 defray the cost of such service.
- 129 (d) The operator of a vehicle not in a funeral procession shall not interrupt a funeral
130 procession except when authorized to do so by a traffic officer or when such vehicle is an
131 authorized emergency vehicle or law enforcement vehicle giving an audible and visual
132 signal.
- 133 (e) Operators of vehicles not a part of a funeral procession shall not join a funeral
134 procession by operating their headlights for the purpose of securing the right of way
135 granted by this Code section to funeral processions.
- 136 (f) The operator of a vehicle not in a funeral procession shall not attempt to pass vehicles
137 in a funeral procession on a two-lane highway.
- 138 (g) Any person violating ~~subsection (d), (e), or (f)~~ of this Code section shall be guilty of
139 a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed
140 \$100.00.

141 (h) Any law enforcement officer who is directing or escorting a funeral procession in this
 142 state, whether such service is provided while on duty or not, shall enjoy the same
 143 immunities from liability as the officer possesses while in the performance of other official
 144 duties."

145 **SECTION 8.**

146 Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
 147 valorem taxation of motor vehicles and motor homes, is amended by adding a new part to
 148 read as follows:

149 "Part 8

150 48-5-504.50.

151 (a) As used in this Code section, the term 'multipurpose off-highway vehicle' shall have
 152 the same meaning as provided in Code Section 40-1-1.

153 (b) As authorized pursuant to Article VII, Section I, Paragraph III(b)(3) of the Constitution
 154 of Georgia, multipurpose off-highway vehicles shall constitute a separate classification of
 155 self-propelled vehicles for ad valorem taxation purposes.

156 (c) On and after January 1, 2025, no multipurpose off-highway vehicle shall be returned
 157 for or subject to ad valorem taxation. The procedures prescribed in this chapter for
 158 returning tangible personal property for ad valorem taxation and collecting the ad valorem
 159 taxes imposed on tangible personal property shall not apply to any multipurpose
 160 off-highway vehicle."

161 **SECTION 9.**

162 (a) Except as provided for in subsection (b) of this Section, this Act shall become effective
 163 upon its approval by the Governor or upon its becoming law without such approval.

164 (b) Section 8 of this Act shall become effective on January 1, 2025, and shall be applicable
165 to taxable years beginning on or after January 1, 2025.

166 **SECTION 10.**

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