

House Bill 947

By: Representative Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to watercraft and all-terrain vehicles held in inventory, so as to provide
3 for an exemption from ad valorem taxation for certain watercraft and all-terrain vehicles held
4 in inventory for sale or resale; to provide definitions; to provide for related matters; to
5 provide for an effective date and applicability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
10 relating to watercraft and all-terrain vehicles held in inventory, is amended by revising Code
11 Section 48-5-504.40, relating to watercraft and all-terrain vehicles held in inventory for
12 resale exempt from taxation for limited period of time, as follows:

13 "48-5-504.40.

14 (a) As used in this Code section, the term:

15 (1) 'All-terrain vehicle' means any motorized vehicle designed for off-road use which is
16 equipped with four low-pressure tires, a seat designed to be straddled by the operator, and
17 handlebars for steering.

18 (2) 'Class I all-terrain vehicle' means a motorized, off-highway recreational vehicle 50
19 inches or less in width with a dry weight of 1,200 pounds or less that travels on three or
20 more nonhighway tires and is designed for, or capable of, cross-country travel on or
21 immediately over land, water, sand, snow, ice, marsh, swampland, or other natural
22 terrain.

23 (3) 'Class II all-terrain vehicle' means a motorized, off-highway recreational vehicle,
24 which is not a class I all-terrain vehicle, and which is 65 inches or less in width with a dry
25 weight of 2,000 pounds or less that travels on four or more nonhighway tires and is

26 designed for, or capable of, cross-country travel on or immediately over land, water, sand,
 27 snow, ice, marsh, swampland, or other natural terrain.

28 ~~(2)~~(4) 'Dealer' means any person who is engaged in the business of selling watercraft or
 29 all-terrain vehicles at retail.

30 ~~(3)~~(5) 'Watercraft' means any vehicle which is self-propelled or which is capable of
 31 self-propelled water transportation, or both.

32 (b) Watercraft and all-terrain vehicles, including class I and class II all-terrain vehicles,
 33 owned by a dealer and held in inventory for sale or resale shall constitute a separate
 34 classification of tangible property for ad valorem taxation purposes. The procedures
 35 prescribed in this chapter for returning watercraft or all-terrain vehicles, including class I
 36 and class II all-terrain vehicles, for ad valorem taxation, determining the application
 37 applicable rates for taxation, and collecting the ad valorem taxes imposed on watercraft or
 38 all-terrain vehicles, including class I and class II all-terrain vehicles, do not apply to
 39 watercraft or all-terrain vehicles, including class I and class II all-terrain vehicles, owned
 40 by a dealer and held in inventory for sale or resale. Such watercraft or all-terrain vehicles,
 41 including class I and class II all-terrain vehicles, owned by a dealer and held in inventory
 42 for sale or resale shall not be returned for ad valorem taxation and shall not be taxed, and
 43 no taxes shall be collected on such watercraft or all-terrain vehicles, including class I and
 44 class II all-terrain vehicles, until they are transferred and then otherwise, if at all, become
 45 subject to taxation as provided in this chapter."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
 48 without such approval and shall apply to all tax years beginning on and after January 1, 2018.

49 **SECTION 3.**

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