

Senate Bill 192

By: Senators Anderson of the 24th, Anavitarte of the 31st, Robertson of the 29th, Gooch of the 51st, Watson of the 1st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to torts, so as to limit liability relating to employers and insurance
3 providers of commercial motor vehicle operators based upon history of driving incidents; to
4 provide for definitions; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to torts, is amended by adding a new Code section to read as follows:

10 "51-1-34.1.

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

12 (1) 'Department' means the Department of Driver Services.

13 (2) 'Driver's record' means investigation of a driver's safety performance history through
14 an enumeration of accidents and convictions of moving traffic violations as provided by
15 the department pursuant to Code Section 40-5-2.

16 (3) 'Federal requirements' means the number of previous years that a motor carrier or the
17 department is required to investigate of a driver's record pursuant to federal law.

18 (b) For purposes of establishing liability of any employer or insurance provider in a civil
19 action relating to the operator of a commercial motor vehicle, use of:

20 (1) The driver's record shall be limited to federal requirements or the previous three
21 years, whichever is greater; and

22 (2) Any vehicle global positioning system data or video shall be limited to the date an
23 accident or moving violation occurred."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.