

The House Committee on Judiciary offers the following substitute to HB 504:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use  
2 of safety belts in passenger vehicles, so as to provide that the failure to use seat safety belts  
3 may be admitted into evidence under certain circumstances; to provide for related matters;  
4 to provide for an effective date and applicability; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety  
9 belts in passenger vehicles, is amended by revising subsection (d) as follows:

10 "(d)(1) The failure of an occupant of a motor vehicle to wear  
11 a seat safety belt in any the front seat of a motor passenger vehicle which has a seat safety  
12 belt or belts shall not may be considered by the trier of fact as evidence of negligence or  
13 causation, shall not otherwise be considered by the finder of fact on any question of  
14 liability of any person, corporation, or insurer, shall not be any basis for cancellation of  
15 coverage or increase in insurance rates, and shall not be evidence used to diminish any  
16 recovery for damages arising out of the ownership, maintenance, occupancy, or operation  
17 of a motor vehicle in mitigation of such person's damages if it is established by clear and  
18 convincing evidence that he or she was at least 18 years of age and was not wearing a seat  
19 safety belt at the time the injuries occurred; provided, however, that notwithstanding  
20 subsection (g) of Code Section 51-12-33, while the trier of fact may reduce a person's  
21 right to recover damages in proportion to the damages attributable to his or her failure to  
22 wear a seat safety belt, a person's failure to wear a seat safety belt shall not serve to  
23 deprive him or her from recovering that portion of his or her damages attributable to the  
24 negligence of another.

25 (2) A party seeking to offer evidence that the person was at least 18 years of age and was  
26 not wearing a seat safety belt at the time the injuries occurred shall file a motion not later

27 than 30 days after the end of the time allowed for discovery requesting a hearing  
28 regarding these issues. If these issues are not resolved prior to a hearing on such motion,  
29 the prevailing party may be entitled to recover from the opposing party reasonable  
30 attorney's fees and expenses of litigation incurred in connection with litigation of these  
31 issues. If the court grants the motion, the parties shall not be precluded from identifying  
32 witnesses on the issue of damages within a reasonable time prior to trial.

33 (3) The failure of any occupant of a motor vehicle to wear a seat safety belt shall not  
34 serve as a basis for cancellation of insurance coverage or an increase of insurance rates."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2014, and shall apply to causes of action arising  
37 on or after such date.

38 **SECTION 3.**

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