

The House Committee on Motor Vehicles offers the following substitute to SB 547:

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 revise a definition to update the reference date to federal regulations
3 regarding the safe operation of motor carriers and commercial motor vehicles; to provide for
4 the failure to wear a safety belt or safety restraints for children as admissible evidence in civil
5 actions; to require all occupants other than children under eight in certain motor vehicles to
6 wear a safety belt; to provide for an exception for children under eight who are properly
7 restrained; to provide for penalties; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended in Code Section 40-1-8, relating to safe operations of motor carriers, commercial
13 motor vehicles, and drivers and safe transportation of hazardous materials, by revising
14 subsection (a) as follows:

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

16 (1) 'Commissioner' means the commissioner of public safety.

17 (2) 'Department' means the Department of Public Safety.

18 (3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and
 19 effect on January 1, ~~2023~~ 2024."

20 **SECTION 2.**

21 Said title is further amended in Code Section 40-8-76, relating to safety belts required as
 22 equipment and safety restraints for children, by revising subsection (c) as follows:

23 "(c) Violation of this Code section ~~shall not constitute negligence per se nor contributory~~
 24 ~~negligence per se~~ may be considered in any civil action as evidence admissible on the issue
 25 of failure to mitigate damages, assumption of risk, apportionment of fault, negligence,
 26 comparative negligence, contributory negligence, or causation. Violation of subsection (b)
 27 of this Code section shall not be the basis for cancellation of coverage or increase in
 28 insurance rates."

29 **SECTION 3.**

30 Said title is further amended by revising Code Section 40-8-76.1, relating to use of safety
 31 belts in passenger vehicles, as follows:

32 "40-8-76.1.

33 (a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,
 34 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to
 35 carry 15 passengers or fewer and used for the transportation of persons; provided, however,
 36 that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or
 37 pickup trucks being used by an owner, driver, or occupant 18 years of age or older in
 38 connection with agricultural pursuits that are usual and normal to the user's farming
 39 operation; and provided, further, that such term shall not include motor vehicles designed
 40 to carry 11 to 15 passengers which were manufactured prior to July 1, 2015, and which, as
 41 of such date, did not have manufacturer installed seat safety belts.

42 (b) Except as provided for in Code Section 40-8-76 regarding safety restraints for children
43 under eight years of age, each occupant ~~Each occupant of the front seat~~ of a passenger
44 vehicle shall, while such passenger vehicle is being operated on a public road, street, or
45 highway of this state, be restrained by a seat safety belt approved under Federal Motor
46 Vehicle Safety Standard 208.

47 (c) The requirement of subsection (b) of this Code section shall not apply to:

48 (1) A driver or passenger frequently stopping and leaving the vehicle or delivering
49 property from the vehicle, if the speed of the vehicle between stops does not exceed 15
50 miles per hour;

51 (2) A driver or passenger possessing a written statement from a physician that such
52 person is unable, for medical or physical reasons, to wear a seat safety belt;

53 (3) A driver or passenger possessing an official certificate or license endorsement issued
54 by the appropriate agency in another state or country indicating that the driver is unable
55 for medical, physical, or other valid reasons to wear a seat safety belt;

56 (4) A driver operating a passenger vehicle in reverse;

57 (5) A passenger vehicle with a model year prior to 1965;

58 (6) A passenger vehicle which is not required to be equipped with seat safety belts under
59 federal law;

60 (7) A passenger vehicle operated by a rural letter carrier of the United States Postal
61 Service while performing duties as a rural letter carrier;

62 (8) A passenger vehicle from which a person is delivering newspapers; or

63 (9) A passenger vehicle performing an emergency service.

64 (d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of
65 a motor vehicle which has a seat safety belt or belts ~~shall not be considered evidence of~~
66 ~~negligence or causation, shall not otherwise be considered by the finder of fact on any~~
67 ~~question of liability of any person, corporation, or insurer,~~ shall not be any basis for
68 cancellation of coverage or increase in insurance rates, ~~and shall not~~ and may be considered

69 in any civil action as evidence admissible on the issue of failure to mitigate damages,
70 assumption of risk, apportionment of fault, negligence, comparative negligence,
71 contributory negligence, or causation and may be evidence used to diminish any recovery
72 for damages arising out of the ownership, maintenance, occupancy, or operation of a motor
73 vehicle.

74 (e)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a person
75 failing to comply with the requirements of subsection (b) of this Code section shall not
76 be guilty of any criminal act and shall not be guilty of violating any ordinance. A
77 violation of this Code section shall not be a moving traffic violation for purposes of Code
78 Section 40-5-57.

79 (2) A person failing to comply with the requirements of subsection (b) of this Code
80 section shall be guilty of the offense of failure to wear a seat safety belt and, upon
81 conviction thereof, may be fined not more than ~~\$15.00~~ \$25.00; but, the provisions of
82 Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the
83 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
84 surcharge to a fine for such offense be assessed against a person for conviction thereof.
85 The court imposing such fine shall forward a record of the disposition of the case of
86 failure to wear a seat safety belt to the Department of Driver Services.

87 ~~(3) Each minor eight years of age or older who is an occupant of a passenger vehicle~~
88 ~~shall, while such passenger vehicle is being operated on a public road, street, or highway~~
89 ~~of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle~~
90 ~~Safety Standard 208. In any case where a minor passenger eight years of age or older~~
91 ~~fails to comply with the requirements of this paragraph Code section,~~ the driver of the
92 passenger vehicle shall be guilty of the offense of failure to secure a seat safety belt on
93 a minor and, upon conviction thereof, may be fined not more than ~~\$25.00~~ \$50.00. The
94 court imposing such a fine shall forward a record of the court disposition of the case of
95 failure to secure a seat safety belt on a minor to the Department of Driver Services.

96 (f) Probable cause for violation of this Code section shall be based solely upon a law
97 enforcement officer's clear and unobstructed view of a person not restrained as required by
98 this Code section. Noncompliance with the restraint requirements of this Code section
99 shall not constitute probable cause for violation of any other Code section."

100

SECTION 4.

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