

The Senate Committee on Public Safety offered the following substitute to SB 510:

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 all occupants of a passenger  
3 vehicle, whether in a front seat or back seat, shall be restrained by a seat safety belt; to  
4 provide for an exception for children under eight who are properly restrained; to provide for  
5 penalties; to make conforming changes; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety  
10 belts in passenger vehicles, is amended as follows:

11 "40-8-76.1.

12 (a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,  
13 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to  
14 carry 15 passengers or fewer and used for the transportation of persons; provided, however,  
15 that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or  
16 pickup trucks being used by an owner, driver, or occupant 18 years of age or older in

17 connection with agricultural pursuits that are usual and normal to the user's farming  
18 operation; and provided, further, that such term shall not include motor vehicles designed  
19 to carry 11 to 15 passengers which were manufactured prior to July 1, 2015, and which, as  
20 of such date, did not have manufacturer installed seat safety belts.

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

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

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

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

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

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

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

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

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

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

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

43 (d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of  
44 a motor vehicle which has a seat safety belt or belts shall not be considered evidence of  
45 negligence or causation, shall not otherwise be considered by the finder of fact on any  
46 question of liability of any person, corporation, or insurer, shall not be any basis for  
47 cancellation of coverage or increase in insurance rates, and shall not be evidence used to  
48 diminish any recovery for damages arising out of the ownership, maintenance, occupancy,  
49 or operation of a motor vehicle.

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

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

63 ~~(3) Each minor eight years of age or older who is an occupant of a passenger vehicle~~  
64 ~~shall, while such passenger vehicle is being operated on a public road, street, or highway~~  
65 ~~of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle~~  
66 ~~Safety Standard 208. In any case where a minor passenger eight years of age or older~~  
67 ~~fails to comply with the requirements of this paragraph Code section, the driver of the~~  
68 ~~passenger vehicle shall be guilty of the offense of failure to secure a seat safety belt on~~  
69 ~~a minor and, upon conviction thereof, may be fined not more than ~~\$25.00~~ \$50.00. The~~

70 court imposing such a fine shall forward a record of the court disposition of the case of  
71 failure to secure a seat safety belt on a minor to the Department of Driver Services.

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

76 **SECTION 2.**

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