

House Bill 296

By: Representatives Wilkinson of the 41<sup>st</sup> and Holmes of the 48<sup>th</sup>, Post 1

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 occupants of pickup trucks and  
3 vehicles equipped for off-road use must be restrained by a seat belt; to provide that occupants  
4 of front and back seats must be secured by a seat belt; to change the fine for the offense of  
5 failure to wear a seat safety belt; to provide for related matters; to provide effective dates; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **PART I**  
9 **SECTION 1-1.**

10 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety  
11 belts in passenger vehicles, is amended by striking subsections (a) and (b) and inserting in  
12 their place the following:

13 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle  
14 designed to carry ten passengers or less and used for the transportation of persons but shall  
15 not mean ~~pickup trucks~~, motorcycles, or motor driven cycles, ~~or vehicles equipped for~~  
16 ~~off-road use~~, provided that the term 'passenger vehicle' includes any sport utility vehicle  
17 ~~and also includes pickup trucks~~ for any occupant who is under 18 years of age.

18 (b) Each occupant of the front ~~seat~~ and back seats of a passenger vehicle shall, while such  
19 passenger vehicle is being operated on a public road, street, or highway of this state, be  
20 restrained by a seat safety belt approved under Federal Motor Vehicle Safety Standard  
21 208."

**PART II**  
**SECTION 2-1.**

Said Code section is further amended by striking subsection (e) and inserting in its place the following:

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

(2) A person failing to comply with the requirements of subsection (b) of this Code section shall be guilty of the offense of failure to wear a seat safety belt and, upon conviction thereof, may be fined not more than ~~\$15.00~~ \$200.00; but, the provisions of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof. The court imposing such fine shall forward a record of the disposition of the case of failure to wear a seat safety belt to the Department of Motor Vehicle Safety.

(3) Each minor over four years of age who is an occupant of a passenger vehicle shall, while such passenger vehicle is being operated on a public road, street, or highway of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety Standard 208. In any case where a minor passenger over four years of age fails to comply with the requirements of this paragraph, the driver of the passenger vehicle shall be guilty of the offense of failure to secure a seat safety belt on a minor and, upon conviction thereof, may be fined not more than ~~\$25.00~~ \$200.00. The court imposing such a fine shall forward a record of the court disposition of the case of failure to secure a seat safety belt on a minor to the Department of Motor Vehicle Safety."

**PART III**  
**SECTION 3-1.**

Said Code section is further amended by striking subsection (e) and inserting in its place the following:

"(e)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a person failing to comply with the requirements of subsection (b) of this Code section shall not be guilty of any criminal act and shall not be guilty of violating any ordinance.

1 A violation of this Code section shall not be a moving traffic violation for purposes of  
2 Code Section 40-5-57.

3 (2) A person failing to comply with the requirements of subsection (b) of this Code  
4 section shall be guilty of the offense of failure to wear a seat safety belt and, upon  
5 conviction thereof, may be fined not more than ~~\$200.00~~ \$15.00; but, the provisions of  
6 Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the  
7 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or  
8 surcharge to a fine for such offense be assessed against a person for conviction thereof.  
9 The court imposing such fine shall forward a record of the disposition of the case of  
10 failure to wear a seat safety belt to the Department of Motor Vehicle Safety.

11 (3) Each minor over four years of age who is an occupant of a passenger vehicle shall,  
12 while such passenger vehicle is being operated on a public road, street, or highway of this  
13 state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety  
14 Standard 208. In any case where a minor passenger over four years of age fails to comply  
15 with the requirements of this paragraph, the driver of the passenger vehicle shall be guilty  
16 of the offense of failure to secure a seat safety belt on a minor and, upon conviction  
17 thereof, may be fined not more than ~~\$200.00~~ \$25.00. The court imposing such a fine shall  
18 forward a record of the court disposition of the case of failure to secure a seat safety belt  
19 on a minor to the Department of Motor Vehicle Safety."

20 **PART IV**  
21 **SECTION 4-1.**

22 (a) This Act shall become effective on July 1, 2003, except as otherwise provided by  
23 subsection (b) of this section.

24 (b) Each provision amended in Part III of this Act shall become effective and supercede that  
25 respective provision amended in Part II of this Act on July 1, 2004.

26 **SECTION 4-2.**

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