

House Bill 371

By: Representatives Drenner of the 57th, Henson of the 55th, Harrell of the 54th, Dooley of the 33rd, Post 3, Mosby of the 59th, Post 3, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and inspection of motor vehicles, so as to provide for certain child passenger restraining systems related to a child's age, weight, and height; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and inspection of motor vehicles, is amended by striking subsections (b), (c), and (d) of Code Section 40-8-76, relating to safety belts required as equipment and safety restraints for children four years of age or younger, and inserting in its place the following:

"(b)(1) ~~On and after July 1, 1984, every~~ Every driver who transports a child ~~four~~ who is less than eight years of age ~~or younger~~ in a passenger automobile, van, or pickup truck, other than a taxicab as defined by Code Section 33-34-5.1 or a public transit vehicle as defined by Code Section 16-5-20, shall, while such motor vehicle is in motion and operated on a public road, street, or highway of this state, provide for the protection of such child in a child passenger restraining system approved by the United States Department of Transportation under provisions of Federal Motor Vehicle Safety Standard 213 in effect ~~on January 1, 1983~~: at the time of manufacture, subject to the following specific requirements and exceptions:

(A) Any such child who is less than one year of age or who weighs less than 20 pounds shall be secured in a rear-facing child safety seat;

(B) Any such child who is at least one year of age and:

(i) Weighs at least 20 pounds but less than 40 pounds must be secured in a forward-facing child safety seat;

(ii) Weighs at least 40 pounds and has a height of less than four feet, nine inches shall be secured in a belt-positioning booster seat used with a seat safety belt consisting of

1 both a lap and shoulder belt. Such booster seat shall not be used with a lap belt alone;
2 or

3 (iii) Weighs at least 40 pounds and has a height of at least four feet, nine inches shall
4 be restrained without a booster seat by a seat safety belt approved under Federal
5 Motor Vehicle Safety Standard 208;

6 (C) Any such child shall not occupy a front passenger seat unless the motor vehicle
7 does not have rear passenger seats or all rear passenger seating positions are occupied
8 by other such children;

9 (D) A driver shall not be deemed to be complying with the provisions of this
10 subsection paragraph unless the child passenger restraining system any child safety seat
11 or booster seat required by this paragraph is installed and being used in accordance with
12 the manufacturer's directions for such system seat; and

13 (E) The provisions of this subsection paragraph shall not apply when the child's parent
14 or guardian obtains a physician's written statement that a physical or medical condition
15 of the child prevents placing or restraining him or her in any such child passenger
16 restraining system in the manner required by this paragraph.

17 (2) Upon a first conviction of an offense under this subsection, the defendant shall be
18 punished by a fine of not more than \$50.00; provided, however, that if the defendant
19 shows to the court having jurisdiction of the case that a child passenger restraining system
20 meeting the applicable requirements of this subsection has been purchased by him or her
21 after the time of the offense and prior to the court appearance, no fine shall be imposed
22 for such first conviction. Upon a second or subsequent conviction of an offense under this
23 subsection, the defendant shall be punished by a fine of not more than \$100.00. No court
24 shall impose any additional fees or surcharges to a fine for such a violation. The court
25 imposing a fine for any violation of this Code section shall forward a record of the
26 disposition of the cases annually to the Department of Public Safety for the sole purpose
27 of data collection on a county by county basis.

28 ~~(c) It shall be the duty of the Governor's Office of Highway Safety to implement and~~
29 ~~coordinate a program to inform parents and other citizens of Georgia of the reasons for the~~
30 ~~enactment of subsection (b) of this Code section. Such program shall be carried out prior~~
31 ~~to January 1, 1997. The Governor's Office of Highway Safety shall solicit the cooperation~~
32 ~~and assistance of the Georgia State Patrol, the Georgia Sheriffs Association, the Georgia~~
33 ~~Association of Chiefs of Police, Incorporated, the Peace Officers' Association of Georgia,~~
34 ~~the Medical College of Georgia, the Georgia Hospital Association, the Georgia Association~~
35 ~~of Educators, the Georgia Parent-Teacher Association, and other appropriate organizations~~
36 ~~in educating the citizens of the state and in implementing, coordinating, and carrying out~~
37 ~~the program provided for herein.~~

1 ~~(d)~~(c) Violation of this Code section shall not constitute negligence per se nor contributory
2 negligence per se. Violation of ~~child safety restraint requirements~~ subsection (b) of this
3 Code section shall not be the basis for cancellation of coverage or increase in insurance
4 rates."

5 **SECTION 2.**

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