

## House Bill 1334

By: Representatives Snow of the 1<sup>st</sup>, Day of the 126<sup>th</sup>, Parham of the 94<sup>th</sup>, Bridges of the 7<sup>th</sup>, Sheldon of the 71<sup>st</sup>, Post 2, and others

**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 include a violation of the safety belt law as an additional basis to deny an  
3 application for upgrading a Class D license to a Class C license; to provide for the separate  
4 misdemeanor offense of child endangerment where a person commits the act of racing,  
5 laying drag, fleeing and attempting to elude, reckless driving, or aggressive driving with a  
6 person under the age of 14 in the vehicle; to provide for points toward license restrictions for  
7 failure to properly restrain a child under the age of five in a vehicle; to require safety belts  
8 for any occupant under the age of 18 in a passenger vehicle; to provide for increased fines  
9 for failure to secure a seat belt on a minor; to provide an effective date; to repeal conflicting  
10 laws; and for other purposes.

11                   **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12                   **SECTION 1.**

13 This Act shall be known and may be cited as the "Child Highway Safety Act."

14                   **SECTION 2.**

15 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
16 amended in Article 2 of Chapter 5 by striking Code Section 40-5-24, relating to instruction  
17 permits, graduated licensing, and related license restrictions, and inserting in its place the  
18 following:

19     "40-5-24.

20       (a)(1) Any resident of this state who is at least 15 years of age may apply to the  
21 department for an instruction permit to operate a noncommercial Class C vehicle. The  
22 department shall, after the applicant has successfully passed all parts of the examination  
23 referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an  
24 instruction permit which shall entitle the applicant, while having such permit in his or her  
25 immediate possession, to drive a Class C vehicle upon the public highways for a period

1       of two years when accompanied by a person at least 21 years of age who is licensed as  
2       a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of  
3       exercising control over the vehicle, and who is occupying a seat beside the driver.

4       (2) A person who has been issued an instruction permit under this subsection and has  
5       never been issued a Class D driver's license under subsection (b) of this Code section will  
6       become eligible for a Class D driver's license under subsection (b) of this Code section  
7       only if such person is at least 16 years of age, has a valid instruction permit which is not  
8       under suspension, and, for a period of not less than 12 consecutive months prior to  
9       making application for a Class D driver's license, has not been convicted of a violation  
10      of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of  
11      Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing  
12      or attempting to elude an officer, reckless driving, convicted of a violation of Code  
13      Section 40-8-76.1, failure to utilize safety belt equipment, or convicted of any offense for  
14      which four or more points are assessable under subsection (c) of Code Section 40-5-57.

15      (3) This subsection does not apply to instruction permits for the operation of  
16      motorcycles.

17      (b)(1) Any resident of this state who is at least 16 years of age and who, for a period of  
18      at least 12 months, had a valid instruction permit issued under subsection (a) of this Code  
19      section may apply to the department for a Class D driver's license to operate a  
20      noncommercial Class C vehicle if such resident has otherwise complied with all  
21      prerequisites for the issuance of such Class D driver's license as provided in subsection  
22      (a) of this Code section, provided that a resident at least 16 years of age who has at any  
23      age surrendered to the department a valid instruction permit or driver's license issued by  
24      another state or the District of Columbia or who has submitted to the department proof,  
25      to the satisfaction of the department, of a valid instruction permit or driver's license  
26      issued by another state or the District of Columbia may apply his or her driving record  
27      under such previously issued permit or driver's license toward meeting the eligibility  
28      requirements for a Class D driver's license the same as if such previously issued permit  
29      or driver's license were an instruction permit issued under subsection (a) of this Code  
30      section.

31      (2) The department shall, after all applicable requirements have been met, issue to the  
32      applicant a Class D driver's license which shall entitle the applicant, while having such  
33      license in his or her immediate possession, to drive a Class C vehicle upon the public  
34      highways of this state under the following conditions:

35       (A) Any Class D license holder shall not drive a Class C motor vehicle on the public  
36       roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00  
37       A.M. eastern standard time or eastern daylight time, whichever is applicable; and

1       (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the  
2       public roads, streets, or highways of this state when more than three other passengers  
3       in the vehicle who are not members of the driver's immediate family are less than 21  
4       years of age.

5       (ii) During the six-month period immediately following issuance of such license, any  
6       Class D license holder shall not drive a Class C motor vehicle upon the public roads,  
7       streets, or highways of this state when any other passenger in the vehicle is not a  
8       member of the driver's immediate family;

9       provided, however, that a Class D license holder shall not be charged with a violation of  
10      this paragraph alone but may be charged with violating this paragraph in addition to any  
11      other traffic offense.

12      (3) A person who has been issued a Class D driver's license under this subsection and  
13      has never been issued a Class C driver's license under this chapter will become eligible  
14      for a Class C driver's license under this chapter only if such person has a valid Class D  
15      driver's license which is not under suspension and, for a period of not less than 12  
16      consecutive months prior to making application for a Class C driver's license, has not  
17      been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene  
18      of an accident in violation of Code Section 40-6-270, racing on highways or streets, using  
19      a motor vehicle in fleeing or attempting to elude an officer, reckless driving, convicted  
20      of a violation of Code Section 40-8-76.1, failure to utilize safety belt equipment, or  
21      convicted of any offense for which four or more points are assessable under subsection  
22      (c) of Code Section 40-5-57 and is at least 18 years of age.

23      (c) Any resident of this state who is at least 16 years of age may apply to the department  
24      for a noncommercial Class M motorcycle instruction permit. The department shall, after  
25      the applicant has successfully passed all parts of the examination other than the driving test,  
26      issue to the applicant an instruction permit which shall entitle the applicant, while having  
27      such permit in his or her immediate possession, to drive a motorcycle or a motor driven  
28      cycle upon the public highways for a period of six months. A motorcycle instruction permit  
29      shall not be valid when carrying passengers, on a limited access highway, or at night.

30      (d) Any resident of this state who is at least 18 years of age may apply to the department  
31      for an instruction permit to operate noncommercial vehicles in Classes A and B. Such  
32      permits may be issued only to persons with valid commercial or noncommercial Class C  
33      licenses or persons who have passed all required tests for a commercial or noncommercial  
34      Class C license. The department shall, after the applicant has successfully passed all parts  
35      of the appropriate examination other than the skill and driving test, issue to the applicant  
36      an instruction permit which shall entitle the applicant, while having the permit in his or her  
37      immediate possession, to operate a vehicle of the appropriate noncommercial class upon

1 the public highways for a period of 12 months when accompanied by a licensed driver,  
2 qualified in the vehicle being operated, who is fit and capable of exercising control over  
3 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being  
4 issued a driver's license for Classes A and B, the applicant shall pass a knowledge and skill  
5 test for driving a Class A or B vehicle as provided by the commissioner.

6 (e) The department shall issue a temporary driver's permit to an applicant for a driver's  
7 license permitting him or her to operate a specified type or class of motor vehicle while the  
8 department is completing its investigation and determination of all facts relative to such  
9 applicant's eligibility to receive a driver's license. Such permit must be in his or her  
10 immediate possession while operating a motor vehicle, and it shall be invalid when the  
11 applicant's license has been issued or for good cause has been refused. Such permit shall  
12 be valid for no more than 45 days. When a license has been refused, the permit shall be  
13 returned to the department within ten days of receipt of written notice of refusal."

14 **SECTION 3.**

15 Said title is further amended in Article 9 of Chapter 6 by striking Code Section 40-6-186,  
16 relating to racing, and inserting in its place the following:

17 "40-6-186.

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

19 (1) 'Drag race' means the operation of two or more vehicles from a point side by side at  
20 accelerated speeds in a competitive attempt to outdistance each other or the operation of  
21 one or more vehicles over a common selected course from the same point to the same  
22 point for the purpose of comparing the relative speeds or power of acceleration of such  
23 vehicle or vehicles within a certain distance or time limit.

24 (2) 'Racing' means the use of one or more vehicles in an attempt to outgain, outdistance,  
25 or prevent another vehicle from passing, to arrive at a given destination ahead of another  
26 vehicle or vehicles, or to test the physical stamina or endurance of drivers over  
27 long-distance driving routes.

28 (b) No person shall drive any vehicle on a highway in this state in any race, speed  
29 competition or contest, drag race or acceleration contest, test of physical endurance,  
30 exhibition of speed or acceleration, or for the purpose of making a speed record, and no  
31 person shall in any manner participate in any such race, competition of speed, contest of  
32 speed, or test or exhibition of speed.

33 (c) Any person convicted of violating subsection (b) of this Code section shall be guilty  
34 of a misdemeanor. In addition to the punishment prescribed by law, the Department of  
35 Public Safety shall suspend for 12 months the license of any person convicted of such  
36 violation.

(d) A person who commits a violation of this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by racing. The offense of endangering a child by racing shall not be merged with the offense of laying drag, racing, reckless driving, speeding, or any other offense for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child."

## SECTION 4.

10 Said title is further amended in Article 11 of Chapter 6 by striking Code Section 40-6-251,  
11 relating to laying drag, and inserting in its place the following:

12 "40-6-251.

13       (a) No driver of any motor vehicle shall operate the vehicle upon the public streets,  
14       highways, public or private driveways, airport runways, or parking lots in such a manner  
15       as to create a danger to persons or property by intentionally and unnecessarily causing the  
16       vehicle to move in a zigzag or circular course or to gyrate or spin around, except to avoid  
17       a collision or injury or damage.

(b) The offenses described in this Code section shall be sufficiently identified on any traffic ticket, warrant, accusation, or indictment when referred to as 'laying drags.'

20 (c) This Code section shall not apply to drivers operating vehicles in or on any raceway,  
21 drag strip, or similar place customarily and lawfully used for such purposes.

22 (d) Any person violating subsection (a) of this Code section shall be guilty of a  
23 misdemeanor.

24       (e) A person who commits a violation of this Code section while transporting in a motor  
25       vehicle a child under the age of 14 years is guilty of the separate offense of endangering  
26       a child by laying drag. The offense of endangering a child by laying drag shall not be  
27       merged with the offense of laying drag, racing, reckless driving, or speeding for the  
28       purposes of prosecution and sentencing. An offender who is convicted of a violation of this  
29       subsection shall be punished in accordance with the provisions of subsection (d) of Code  
30       Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or  
31       deprivation of a child."

## SECTION 5.

33 Said title is further amended in Article 12 of Chapter 6 by striking Code Section 40-6-270,  
34 relating to hit and run or leaving the scene of an accident, and inserting in its place the  
35 following:

1 "40-6-270.

2 (a) The driver of any vehicle involved in an accident resulting in injury to or the death of  
3 any person or in damage to a vehicle which is driven or attended by any person shall  
4 immediately stop such vehicle at the scene of the accident or shall stop as close thereto as  
5 possible and forthwith return to the scene of the accident and shall:

6 (1) Give his or her name and address and the registration number of the vehicle he or she  
7 is driving;

8 (2) Upon request and if it is available, exhibit his or her operator's license to the person  
9 struck or the driver or occupant of or person attending any vehicle collided with; and

10 (3) Render to any person injured in such accident reasonable assistance, including the  
11 transporting, or the making of arrangements for the transporting, of such person to a  
12 physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such  
13 treatment is necessary or if such transporting is requested by the injured person.

14 The driver shall in every event remain at the scene of the accident until fulfilling the  
15 requirements of this subsection. Every such stop shall be made without obstructing traffic  
16 more than is necessary.

17 (b) If such accident is the proximate cause of death or a serious injury, any person  
18 knowingly failing to stop and comply with the requirements of subsection (a) of this Code  
19 section shall be guilty of a felony and, upon conviction thereof, shall be punished by  
20 imprisonment for not less than one nor more than five years.

21 (c)(1) If such accident is the proximate cause of an injury other than a serious injury or  
22 if such accident resulted in damage to a vehicle which is driven or attended by any  
23 person, any person knowingly failing to stop or comply with the requirements of this  
24 Code section shall be guilty of a misdemeanor and:

25 (A) Upon conviction shall be fined not less than \$300.00 nor more than \$1,000.00,  
26 which fine shall not be subject to suspension, stay, or probation, or imprisoned for up  
27 to 12 months, or both;

28 (B) Upon the second conviction within a five-year period of time, as measured from  
29 the dates of previous arrests for which convictions were obtained to the date of the  
30 current arrest for which a conviction is obtained, shall be fined not less than \$600.00  
31 nor more than \$1,000.00, which fine shall not be subject to suspension, stay, or  
32 probation, or imprisoned for up to 12 months, or both; and for purposes of this  
33 subparagraph, previous pleas of nolo contendere accepted within such five-year period  
34 shall constitute convictions; and

35 (C) Upon the third or subsequent conviction within a five-year period of time, as  
36 measured from the dates of previous arrests for which convictions were obtained to the  
37 date of the current arrest for which a conviction is obtained, shall be fined \$1,000.00,

which fine shall not be subject to suspension, stay, or probation, or imprisoned for up to 12 months, or both; and for purposes of this subparagraph, previous pleas of nolo contendere accepted within such five-year period shall constitute convictions.

(2) For the purpose of imposing a sentence under this subsection, a plea of nolo contendere shall constitute a conviction.

(3) If the payment of the fine required under this subsection will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay such fine in installments and such order may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this Code section.

(d) A person who commits a violation of this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by hit and run. The offense of endangering a child by hit and run shall not be merged with the offense of hit and run or leaving the scene of an accident for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.

(d)(e) Notwithstanding the limits set forth in any municipal charter, any municipal court of any municipality shall be authorized to impose the punishments provided for in this Code section upon a conviction of violating this Code section or upon conviction of violating any ordinance adopting the provisions of this Code section."

## SECTION 6.

Said title is further amended in Article 15 of Chapter 6 by striking Code Section 40-6-390, relating to reckless driving, and inserting in its place the following:

"40-6-390.

27 (a) Any person who drives any vehicle in reckless disregard for the safety of persons or  
28 property commits the offense of reckless driving.

29 (b) Every person convicted of reckless driving shall be guilty of a misdemeanor and, upon  
30 conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or imprisonment  
31 not to exceed 12 months, or by both such fine and imprisonment, provided that no  
32 provision of this Code section shall be construed so as to deprive the court imposing the  
33 sentence of the power given by law to stay or suspend the execution of such sentence or  
34 to place the defendant on probation.

35       (c) A person who commits a violation of this Code section while transporting in a motor  
36       vehicle a child under the age of 14 years is guilty of the separate offense of endangering

a child by reckless driving. The offense of endangering a child by reckless driving shall not be merged with the offense of laying drag, racing, reckless driving, speeding, or any other offense for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child."

## **SECTION 7.**

8 Said title is further amended in Article 15 of Chapter 6 by striking Code Section 40-6-395,  
9 relating to fleeing or attempting to elude a police officer, and inserting in its place the  
10 following:

11 "40-6-395.

12       (a) It shall be unlawful for any driver of a vehicle willfully to fail or refuse to bring his or  
13      her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or  
14      police officer when given a visual or an audible signal to bring the vehicle to a stop. The  
15      signal given by the police officer may be by hand, voice, emergency light, or siren. The  
16      officer giving such signal shall be in uniform prominently displaying his or her badge of  
17      office, and his or her vehicle shall be appropriately marked showing it to be an official  
18      police vehicle.

19       (b)(1) Any person violating the provisions of subsection (a) of this Code section shall be  
20           guilty of a high and aggravated misdemeanor and:

21                     (A) Upon conviction shall be fined not less than \$500.00 nor more than \$5,000.00,  
22 which fine shall not be subject to suspension, stay, or probation and imprisoned for not  
23 less than ten days nor more than 12 months. Any period of such imprisonment in excess  
24 of ten days may, in the sole discretion of the judge, be suspended, stayed, or probated;  
25                     (B) Upon the second conviction within a ten-year period of time, as measured from the  
26 dates of previous arrests for which convictions were obtained to the date of the current  
27 arrest for which a conviction is obtained, shall be fined not less than \$1,000.00 nor  
28 more than \$5,000.00, which fine shall not be subject to suspension, stay, or probation  
29 and imprisoned for not less than 30 days nor more than 12 months. Any period of such  
30 imprisonment in excess of 30 days may, in the sole discretion of the judge, be  
31 suspended, stayed, or probated; and for purposes of this paragraph, previous pleas of  
32 nolo contendere accepted within such ten-year period shall constitute convictions; and  
33                     (C) Upon the third or subsequent conviction within a ten-year period of time, as  
34 measured from the dates of previous arrests for which convictions were obtained to the  
35 date of the current arrest for which a conviction is obtained, shall be fined not less than  
36 \$2,500.00 nor more than \$5,000.00, which fine shall not be subject to suspension, stay,

1 or probation and imprisoned for not less than 90 days nor more than 12 months. Any  
2 period of such imprisonment in excess of 90 days may, in the sole discretion of the  
3 judge, be suspended, stayed, or probated; and for purposes of this paragraph, previous  
4 pleas of nolo contendere accepted within such ten-year period shall constitute  
5 convictions.

6 (2) For the purpose of imposing a sentence under this subsection, a plea of nolo  
7 contendere shall constitute a conviction.

8 (3) If the payment of the fine required under paragraph (1) of this subsection will impose  
9 an economic hardship on the defendant, the judge, at his or her sole discretion, may order  
10 the defendant to pay such fine in installments and such order may be enforced through  
11 a contempt proceeding or a revocation of any probation otherwise authorized by this  
12 subsection.

13 (4) Notwithstanding the limits set forth in any municipal charter, any municipal court of  
14 any municipality shall be authorized to impose the punishments provided for in this  
15 subsection upon a conviction of violating this subsection or upon conviction of violating  
16 any ordinance adopting the provisions of this subsection.

17 (5)(A) Any person violating the provisions of subsection (a) of this Code section who,  
18 while fleeing or attempting to elude a pursuing police vehicle or police officer in an  
19 attempt to escape arrest for a felony offense other than a violation of this chapter,  
20 operates his or her vehicle in excess of 30 miles an hour above the posted speed limit,  
21 strikes or collides with another vehicle or a pedestrian, flees in traffic conditions which  
22 place the general public at risk of receiving serious injuries, or leaves the state shall be  
23 guilty of a felony punishable by a fine of \$5,000.00 and imprisonment for not less than  
24 one year nor more than five years.

25 (B) Following adjudication of guilt or imposition of sentence for a violation of  
26 subparagraph (A) of this paragraph, the sentence shall not be suspended, probated,  
27 deferred, or withheld, and the charge shall not be reduced to a lesser offense, merged  
28 with any other offense, or served concurrently with any other offense.

29 (6) A person who commits a violation of this Code section while transporting in a motor  
30 vehicle a child under the age of 14 years is guilty of the separate offense of endangering  
31 a child by fleeing or attempting to elude a police officer. The offense of endangering a  
32 child by fleeing or attempting to elude a police officer shall not be merged with the  
33 offense of fleeing or attempting to elude a police officer for the purposes of prosecution  
34 and sentencing. An offender who is convicted of a violation of this paragraph shall be  
35 punished in accordance with the provisions of subsection (d) of Code Section 16-12-1,  
36 relating to the offense of contributing to the delinquency, unruliness, or deprivation of a  
37 child.

(c) It shall be unlawful for a person:

- (1) To impersonate a sheriff, deputy sheriff, state trooper, agent of the Georgia Bureau of Investigation, agent of the Federal Bureau of Investigation, police officer, or any other authorized law enforcement officer by using a motor vehicle or motorcycle designed, equipped, or marked so as to resemble a motor vehicle or motorcycle belonging to any federal, state, or local law enforcement agency; or
- (2) Otherwise to impersonate any such law enforcement officer in order to direct, stop, or otherwise control traffic."

## SECTION 8.

10 Said title is further amended in Article 15 of Chapter 6 by striking Code Section 40-6-397,  
11 relating to aggressive driving, and inserting in its place the following:  
12 "40-6-397.

"40-6-397.

(a) A person commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49, 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent.

17 (b) Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high  
18 and aggravated nature.

19       (c) A person who commits a violation of this Code section while transporting in a motor  
20      vehicle a child under the age of 14 years is guilty of the separate offense of endangering  
21      a child by aggressive driving. The offense of endangering a child by aggressive driving  
22      shall not be merged with the offense of aggressive driving or any other offense for the  
23      purposes of prosecution and sentencing. An offender who is convicted of a violation of this  
24      subsection shall be punished in accordance with the provisions of subsection (d) of Code  
25      Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or  
26      deprivation of a child."

## SECTION 9.

28 Said title is amended in Article 1 of Chapter 8 by striking Code Section 40-8-76, relating to  
29 safety restraints for children four years of age or younger, and inserting in its place the  
30 following:

31 "40-8-76.

32 (a) No new private passenger automobile manufactured after January 1, 1964, shall be sold  
33 to the general public in this state unless such automobile shall be equipped with two sets  
34 of safety belts for the front seat thereof. The safety belts may be installed by the  
35 manufacturer prior to delivery to the dealer, or they may be installed by the dealer.

1       (b)(1) On and after July 1, 1984, every driver who transports a child four years of age or  
2       younger in a passenger automobile, van, or pickup truck, other than a taxicab as defined  
3       by Code Section 33-34-5.1 or a public transit vehicle as defined by Code Section 16-5-20,  
4       shall, while such motor vehicle is in motion and operated on a public road, street, or  
5       highway of this state, provide for the protection of such child in a child passenger  
6       restraining system approved by the United States Department of Transportation under  
7       Federal Motor Vehicle Safety Standard 213 in effect on January 1, 1983. A driver shall  
8       not be deemed to be complying with the provisions of this subsection unless the child  
9       passenger restraining system is installed and being used in accordance with the  
10      manufacturer's directions for such system. The provisions of this subsection shall not  
11      apply when the child's parent or guardian obtains a physician's written statement that a  
12      physical or medical condition of the child prevents placing or restraining him or her in  
13      any such child passenger restraining system.

14      (2) Upon a first conviction of an offense under this subsection, the defendant shall be  
15      punished by a fine of not more than \$50.00. Upon a second or subsequent conviction of  
16      an offense under this subsection, the defendant shall be punished by a fine of not more  
17      than \$100.00. ~~No court shall impose any additional fees or surcharges to a fine for such~~  
18      ~~a violation. The court imposing a fine for any violation of this Code section shall forward~~  
19      ~~a record of the disposition of the cases annually to the Department of Public Safety for~~  
20      ~~the sole purpose of data collection on a county by county basis. The court imposing such~~  
21      ~~a fine shall forward a record of the court disposition of the case for a violation of child~~  
22      ~~safety restraint requirements to the Department of Motor Vehicle Safety.~~

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

33      (d) Violation of this Code section shall not constitute negligence per se nor contributory  
34      negligence per se. Violation of child safety restraint requirements shall not be the basis for  
35      cancellation of coverage or increase in insurance rates."

**SECTION 10.**

2 Said title is further amended in Article 1 of Chapter 8 by striking Code Section 40-8-76.1,  
3 relating to safety belts in passenger vehicles, and inserting in its place the following:  
4 "40-8-76.1.

5 (a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle  
6 designed to carry ten passengers or less and used for the transportation of persons but shall  
7 not mean pickup trucks, motorcycles, motor driven cycles, or vehicles equipped for  
8 off-road use, provided that the term 'passenger vehicle' includes any sport utility vehicle,  
9 'Passenger vehicle' and also includes pickup trucks and every motor vehicle manufactured  
10 on or after January, 2003, designed to carry more than ten but fewer than 16 passengers for  
11 any occupant who is under 18 years of age.

12 (b) Each occupant of the front seat of a passenger vehicle shall, while such passenger  
13 vehicle is being operated on a public road, street, or highway of this state, be restrained by  
14 a seat safety belt approved under Federal Motor Vehicle Safety Standard 208.

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

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

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

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

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

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

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

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

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

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

32 (d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of  
33 a motor vehicle which has a seat safety belt or belts shall not be considered evidence of  
34 negligence or causation, shall not otherwise be considered by the finder of fact on any  
35 question of liability of any person, corporation, or insurer, shall not be any basis for  
36 cancellation of coverage or increase in insurance rates, and shall not be evidence used to

1 diminish any recovery for damages arising out of the ownership, maintenance, occupancy,  
2 or operation of a motor vehicle.

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

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

16 (3) Each minor over four years of age who is an occupant of a passenger vehicle shall,  
17 while such passenger vehicle is being operated on a public road, street, or highway of this  
18 state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety  
19 Standard 208. In any case where a minor passenger over four years of age fails to comply  
20 with the requirements of this paragraph, the driver of the passenger vehicle shall be guilty  
21 of the offense of failure to secure a seat safety belt on a minor and, upon conviction  
22 thereof, may be fined not more than \$25.00 \$50.00. The court imposing such a fine shall  
23 forward a record of the court disposition of the case of failure to secure a seat safety belt  
24 on a minor to the Department of Motor Vehicle Safety. Upon a second or subsequent  
25 conviction of an offense under this paragraph, the defendant shall be punished by a fine  
26 of not more than \$100.00

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

## 31 SECTION 11.

32 This Act shall become effective upon its approval by the Governor or upon its becoming law  
33 without such approval.

## 34 SECTION 12.

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