

House Bill 1334

By: Representatives Snow of the 1st, Day of the 126th, Parham of the 94th, Bridges of the 7th, Sheldon of the 71st, 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 style="text-align:center">**SECTION 1.**

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

14 style="text-align:center">**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.

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

9 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.

18 (b) The offenses described in this Code section shall be sufficiently identified on any
 19 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."

32 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,

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

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

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

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

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

23 SECTION 6.

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

26 "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

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

7 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.

1 (c) It shall be unlawful for a person:

2 (1) To impersonate a sheriff, deputy sheriff, state trooper, agent of the Georgia Bureau
3 of Investigation, agent of the Federal Bureau of Investigation, police officer, or any other
4 authorized law enforcement officer by using a motor vehicle or motorcycle designed,
5 equipped, or marked so as to resemble a motor vehicle or motorcycle belonging to any
6 federal, state, or local law enforcement agency; or

7 (2) Otherwise to impersonate any such law enforcement officer in order to direct, stop,
8 or otherwise control traffic."

9 **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.

13 (a) A person commits the offense of aggressive driving when he or she operates any motor
14 vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another
15 person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49,
16 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."

27 **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."

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.