

House Bill 200

By: Representatives Geisinger of the 48<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Hill of the 21<sup>st</sup>, Rice of the 51<sup>st</sup>,  
Millar of the 79<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia  
2 Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and  
3 energy absorption systems, so as to eliminate certain exceptions to the required use of safety  
4 belts; to provide that the failure to use such safety belts may be evidence of causation,  
5 negligence, and contributory negligence; 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 Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,  
10 relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy  
11 absorption systems, is amended by revising subsection (c) of Code Section 40-8-76, relating  
12 to safety belts as required equipment, as follows:

13 "(c) Violation of this Code section ~~shall not constitute~~ may be considered evidence of  
14 negligence per se nor or contributory negligence per se. Violation of subsection (b) of this  
15 Code section shall not be the basis for cancellation of coverage or increase in insurance  
16 rates."

17 **SECTION 2.**

18 Said part is further amended by revising subsections (a) and (d) of Code Section 40-8-76.1,  
19 relating to the use of safety belts in passenger vehicles, as follows:

20 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,  
21 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to  
22 carry ten or fewer passengers ~~or less~~ and used for the transportation of persons. Such term  
23 ~~but shall not mean pickup trucks,~~ include motorcycles, motor driven cycles, or vehicles  
24 equipped for off-road use, ~~provided that the term 'passenger vehicle' includes any sport~~

1 utility vehicle and also includes pickup trucks for any occupant who is under 18 years of  
2 age."

3 "(d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of  
4 a motor vehicle which has a seat safety belt or belts ~~shall not~~ may be considered evidence  
5 of negligence or causation, ~~shall not otherwise; may~~ be considered by the finder of fact on  
6 any question of liability of any person, corporation, or insurer; ~~shall not be any basis for~~  
7 ~~cancellation of coverage or increase in insurance rates, and shall not be evidence; and may~~  
8 be used as evidence to diminish any recovery for damages arising out of the ownership,  
9 maintenance, occupancy, or operation of a motor vehicle."

10 **SECTION 3.**

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