

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 seat safety belts in passenger vehicles, so as to increase the penalties for teenage drivers
3 convicted of multiple violations; to provide for a short title; to provide for related matters;
4 to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 This Act shall be known and may be cited as the "Billy Foulke Teenage Seatbelt Safety Act."
7

SECTION 2.

8 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety
9 belts in passenger vehicles, is amended by revising subsection (e) as follows:
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11 "(e)(1) Except as otherwise provided in paragraphs (2) ~~and~~ (3), and (4) of this
12 subsection, a person failing to comply with the requirements of subsection (b) of this
13 Code section shall not be guilty of any criminal act and shall not be guilty of violating
14 any ordinance. A violation of this Code section shall not be a moving traffic violation for
15 purposes of Code Section 40-5-57.

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

24 (3) Each minor six years of age or older who is an occupant of a passenger vehicle shall,
25 while such passenger vehicle is being operated on a public road, street, or highway of this

1 state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety
 2 Standard 208. In any case where a minor passenger six years of age or older fails to
 3 comply with the requirements of this paragraph, the driver of the passenger vehicle shall
 4 be guilty of the offense of failure to secure a seat safety belt on a minor and, upon
 5 conviction thereof, may be fined not more than \$25.00. The court imposing such a fine
 6 shall forward a record of the court disposition of the case of failure to secure a seat safety
 7 belt on a minor to the Department of Driver Services.

8 (4) Any other provision of this Code section to the contrary notwithstanding, any driver
 9 that is 15 years of age through 19 years of age who fails to comply with the provisions
 10 of subsection (b) of this Code section shall be guilty of the offense of failure to secure a
 11 seat safety belt and, upon conviction thereof, shall be punished as follows:

12 (A) Upon a first conviction, a fine of \$25.00;

13 (B) Upon a second conviction, a fine of \$50.00 and a suspension of the person's
 14 driver's license or permit for a period of three months;

15 (C) Upon a third conviction, a fine of \$75.00 and a suspension of the person's driver's
 16 license or permit for a period of six months; or

17 (D) Upon a fourth or subsequent conviction, a fine of \$100.00 and a suspension of the
 18 person's driver's license or permit for a period of one year.

19 The provisions of Chapter 11 of Title 17 and any other provision of law to the contrary
 20 notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional
 21 penalty, fee, or surcharge to a fine for such offense be assessed against a person for
 22 conviction thereof. The court imposing such punishment shall forward a record of the
 23 disposition of the case of failure to secure a seat safety belt to the Department of Driver
 24 Services."

25 SECTION 3.

26 This Act shall become effective on July 1, 2008.

27 SECTION 4.

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