

The House Committee on Judiciary Non-civil offers the following substitute to HB 924:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating motor vehicles and
2 traffic, so as to increase the penalties for teenage drivers convicted of multiple violations of
3 failure to use a seat safety belt; to provide for license suspension based on certain violations
4 relating to teenage drivers' failure to use seat safety belts in passenger vehicles; to provide
5 for a short title; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "The Billy Foulke Seatbelt Act."

10 **SECTION 2.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended in Article 3 of Chapter 5, relating to cancellation, suspension, and revocation of
13 licenses, by adding a new Code section to read as follows:

14 "40-5-57.3.

15 (a) The driver's license of any person who is at least 15 years of age but less than 18 years
16 of age at the time of the offense and who is convicted for a second or subsequent offense
17 of violating subsection (b) of Code Section 40-8-76.1 shall be suspended as provided in this
18 Code section. The person shall submit his or her driver's license to the court upon
19 conviction and the court shall forward the driver's license to the department.

20 (b)(1) A first suspension of a driver's license under this Code section shall be for a
21 period of three months.

22 (2) A second suspension of a driver's license under this Code section shall be for a
23 period of six months.

24 (3) A third or subsequent suspension of a driver's license under this Code section shall
25 be for a period of one year.

1 (c) After the suspension period and the person pays a restoration fee of \$60.00 or, when
 2 processed by mail, \$50.00 and, if the suspension is pursuant to paragraph (1) of subsection
 3 (b) of this Code section, the person shall submit proof of completing a department
 4 approved driver improvement program, the suspension shall terminate and the department
 5 shall return the person's driver's license to such person."

6 SECTION 3.

7 Said title is further amended by revising subsection (e) of Code Section 40-8-76.1, relating
 8 to use of safety belts in passenger vehicles, as follows:

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

14 ~~(2) Except as provided in paragraph (4) of this subsection, a A person failing to comply~~
 15 ~~with the requirements of subsection (b) of this Code section shall be guilty of the offense~~
 16 ~~of failure to wear a seat safety belt and, upon conviction thereof, may be fined not more~~
 17 ~~than \$15.00; but, the provisions of Chapter 11 of Title 17 and any other provision of law~~
 18 ~~to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall~~
 19 ~~any additional penalty, fee, or surcharge to a fine for such offense be assessed against a~~
 20 ~~person for conviction thereof. The court imposing such fine shall forward a record of the~~
 21 ~~disposition of the case of failure to wear a seat safety belt to the Department of Driver~~
 22 ~~Services.~~

23 (3) Each minor six years of age or older who is an occupant of a passenger vehicle shall,
 24 while such passenger vehicle is being operated on a public road, street, or highway of this
 25 state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety
 26 Standard 208. In any case where a minor passenger six years of age or older fails to
 27 comply with the requirements of this paragraph, the driver of the passenger vehicle shall
 28 be guilty of the offense of failure to secure a seat safety belt on a minor and, upon
 29 conviction thereof, may be fined not more than \$25.00. ~~The court imposing such a fine~~
 30 ~~shall forward a record of the court disposition of the case of failure to secure a seat safety~~
 31 ~~belt on a minor to the Department of Driver Services.~~

32 ~~(4) Any driver who is at least 15 years of age but less than 18 years of age who fails to~~
 33 ~~comply with the provisions of subsection (b) of this Code section shall be guilty of the~~
 34 ~~offense of failure to wear a seat safety belt and, upon conviction thereof, shall be fined~~
 35 ~~as follows:~~

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

1 (B) Upon a second conviction, a fine of \$50.00;

2 (C) Upon a third conviction, a fine of \$75.00; or

3 (D) Upon a fourth or subsequent conviction, a fine of \$100.00.

4 (5) Notwithstanding the provisions of Chapter 11 of Title 17 and any other provision of
5 law that imposes additional penalties, fees, or surcharges to be calculated with regard to
6 a fine, the costs of prosecuting any case under this Code section shall not be taxed nor
7 shall any additional penalty, fee, or surcharge to a fine for a violation of this Code section
8 be assessed against a person convicted of violating this Code section.

9 (6) The court shall have continued jurisdiction over a case prosecuted under this Code
10 section and over the defendant and may punish the defendant for contempt in a separate
11 proceeding in the event that the defendant does not pay the full amount of any fine
12 imposed.

13 (7) The court imposing a fine under this subsection shall forward a record of the
14 disposition of the case to the Department of Driver Services."

15 **SECTION 4.**

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

17 **SECTION 5.**

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