

NOT GERMANE

Senator Jones of the 10th offered the following amendment:

Amend the Senate Public Safety Committee substitute to HB 950 (LC 34 1866S) by inserting on line 7 of page 1 following "interests;" the following:
to change nomenclature from "safety belt" to "life belt";

By inserting following line 34 of page 5 the following:

SECTION 7.1.

Said title is further amended by adding a new paragraph to Code Section 40-1-1, relating to definitions, to read as follows:

"(24.1) 'Life belt' means that passive restraining device in motor vehicles formerly known as 'seat belts' or 'safety belts.'"

SECTION 7.2.

Said title is further amended by revising subsection (a), subparagraph (b)(1)(D), and subsection (d) of Code Section 40-8-76, relating to safety belts required as equipment and safety restraints for children four years of age and younger, as follows:

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

"(D) The provisions of this paragraph shall not apply when the child's parent or guardian either obtains a physician's written statement that a physical or medical condition of the child prevents placing or restraining him or her in the manner required by this paragraph. If the parent or guardian can show the child's height is over 4 feet and 9 inches, such child shall be restrained in a ~~safety~~ life belt as required in Code Section 40-8-76.1."

"(d) The provisions of this Code section shall not apply to buses, as defined in paragraph (7) of Code Section 40-1-1, used in the transport of children over four years of age until July 1, 2007, provided that the bus is operated by a licensed or commissioned child care facility, has a current annual transportation safety inspection certificate as required by the appropriate licensing body, and has evidence of being inspected for use by a child care facility. If the bus is not a school bus, as defined in paragraph (55) of Code Section 40-1-1, or a multifunction school activities bus, as defined in 49 C.F.R. 571.3(B), each child over

four years of age and under six years of age shall be properly restrained by a ~~safety~~ life belt. Multifunction school activities buses, as defined in 49 C.F.R. 571.3(B), shall not be required to transport children five years of age in a child passenger restraining system."

SECTION 7.3.

Said title is further amended by revising subsection (b); paragraphs (2), (3), and (6) of subsection (c); subsection (d); and paragraphs (2) and (3) of subsection (e) of Code Section 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

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

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

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

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

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

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

(3) Each minor six years of age or older who is an occupant of a passenger vehicle shall, while such passenger vehicle is being operated on a public road, street, or highway of this state, be restrained by a ~~seat safety~~ life belt approved under Federal Motor Vehicle Safety Standard 208. In any case where a minor passenger six years of age or older fails to

1 comply with the requirements of this paragraph, the driver of the passenger vehicle shall
2 be guilty of the offense of failure to secure a ~~seat safety~~ life belt on a minor and, upon
3 conviction thereof, may be fined not more than \$25.00. The court imposing such a fine
4 shall forward a record of the court disposition of the case of failure to secure a ~~seat safety~~
5 life belt on a minor to the Department of Driver Services."