

Senate Bill 23

By: Senators Hawkins of the 49th, Pearson of the 51st, Murphy of the 27th, Butterworth of the 50th, Thomas of the 54th 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 provide that the failure to use safety belts may be
4 considered evidence of causation, negligence, and contributory negligence; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
9 relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy
10 absorption systems, is amended by revising subsection (c) of Code Section 40-8-76, relating
11 to safety belts required as equipment, as follows:

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

16 **SECTION 2.**

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

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

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SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.