

House Bill 142

By: Representative Everson of the 106<sup>th</sup>

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 period  
21 of three months.

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

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

31 **SECTION 3.**

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

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

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

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

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

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

62 (B) Upon a second conviction, a fine of \$50.00 and one point shall be assessed against  
63 him or her;

64 (C) Upon a third conviction, a fine of \$75.00 and one point shall be assessed against  
65 him or her; or

66 (D) Upon a fourth or subsequent conviction, a fine of \$100.00 and one point shall be  
67 assessed against him or her.

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

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

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

79 **SECTION 4.**

80 This Act shall become effective on July 1, 2009.

81 **SECTION 5.**

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