

House Bill 201

By: Representatives Geisinger of the 48th, Hill of the 21st, and Reese of the 98th

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 evidence of causation, negligence, and contributory negligence; to provide that all new
5 school buses purchased or leased on and after July 1, 2009, shall be equipped with passenger
6 safety belts; to provide that safety belts shall be used on all school buses so equipped on and
7 after July 1, 2009; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

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

19 style="text-align:center">**SECTION 2.**

20 Said part is further amended by revising subsection (d) of Code Section 40-8-76, relating to
21 safety belts as required equipment, as follows:

22 "(d)(1) The provisions of this Code section shall not apply to buses, as defined in
23 paragraph (7) of Code Section 40-1-1, used in the transport of children over four years
24 of age until July 1, 2007, provided that the bus is operated by a licensed or commissioned
25 child care facility, has a current annual transportation safety inspection certificate as

26 required by the appropriate licensing body, and has evidence of being inspected for use
 27 by a child care facility. If the bus is not a school bus, as defined in paragraph (55) of
 28 ~~Code Section 40-1-1~~, or a multifunction school activities bus, as defined in 49 C.F.R.
 29 571.3(B), each child over four years of age and under six years of age shall be properly
 30 restrained by a safety belt. Multifunction school activities buses, as defined in 49 C.F.R.
 31 571.3(B), shall not be required to transport children five years of age in a child passenger
 32 restraining system.

33 (2) All new school buses, as defined in paragraph (55) of Code Section 40-1-1,
 34 purchased or leased for use in this state as such on and after July 1, 2009, shall be
 35 equipped with safety belts for all passengers.

36 (3) On and after July 1, 2009, each child over four years of age being transported on a
 37 school bus, as defined in paragraph (55) of Code Section 40-1-1, equipped with safety
 38 belts for passengers shall be properly restrained by a safety belt."

39 SECTION 3.

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

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

49 SECTION 4.

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

51 SECTION 5.

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