

The Senate Judiciary Committee offered the following substitute to SB 23:

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 change the definition of the term "passenger vehicle";  
4 to provide that the failure to use safety belts shall not be a basis for the cancellation of  
5 insurance coverage or an increase in rates; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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 subsections (a) and (d) of Code Section  
11 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:  
12

13 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,  
14 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to  
15 carry ten passengers or ~~less~~ fewer and used for the transportation of persons; provided,  
16 however, that such term shall not include motorcycles; motor driven cycles; or off-road  
17 vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or  
18 older in connection with agricultural pursuits that are usual and normal to the user's  
19 farming operation but shall not mean pickup trucks, motorcycles, motor driven cycles, or  
20 vehicles equipped for off-road use, provided that the term 'passenger vehicle' includes any  
21 sport utility vehicle and also includes pickup trucks for any occupant who is under 18 years  
22 of age."

23 "(d) The failure of an occupant of a ~~motor~~ passenger vehicle to wear a seat safety belt in  
24 any seat of a motor vehicle which has a seat safety belt or belts ~~shall not be considered~~  
25 ~~evidence of negligence or causation, shall not otherwise be considered by the finder of fact~~

26 ~~on any question of liability of any person, corporation, or insurer, shall not be any basis for~~  
27 ~~cancellation of coverage or increase in insurance rates, and shall not be evidence used to~~  
28 ~~diminish any recovery for damages arising out of the ownership, maintenance, occupancy,~~  
29 ~~or operation of a motor vehicle."~~

30 **SECTION 2.**  
31 All laws and parts of laws in conflict with this Act are repealed.