

The House Committee on Judiciary offers the following substitute to HB 200:

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 seat safety belts may be  
4 admitted into evidence under certain circumstances; to provide for related matters; to provide  
5 for an effective date; 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 (d) of Code Section 40-8-76.1,  
11 relating to use of safety belts in passenger vehicles, as follows:

12 “(d)(1) The failure of an occupant of the front seat of a motor passenger vehicle to wear  
13 a seat safety belt in any the front seat of a motor passenger vehicle which has a seat safety  
14 belt or belts shall not be considered evidence of negligence or causation, shall not  
15 otherwise be considered by the finder of fact on any question of liability of any person,  
16 corporation, or insurer, shall not be any basis for cancellation of coverage or increase in  
17 insurance rates; and but shall not be considered evidence used to diminish any recovery  
18 for damages arising out of the ownership, maintenance, occupancy, or operation of a  
19 motor vehicle in mitigation of the party's damages only if the court finds:

20 (A) The party introducing such evidence has pleaded such failure as a defense prior to  
21 the entry of a pretrial order;

22 (B) The person whose injuries are the subject of a claim was at least 14 years of age  
23 at the time of his or her injury; and

24 (C) The party offering such evidence proves by expert testimony that the injured  
25 party's failure to use a seat safety belt contributed to the injuries claimed by the  
26 plaintiff.

27 (2) If the court finds that the evidence supports the findings set forth in paragraph (1) of  
28 this subsection, the trier of fact may find that the plaintiff's failure to wear a seat safety  
29 belt in violation of this subsection contributed to the plaintiff's claimed injuries and may  
30 reduce the amount of the plaintiff's recovery; provided, however, that notwithstanding  
31 subsection (g) of Code Section 51-12-33, while the trier of fact may reduce a person's  
32 right to recover damages according to the proportion of those damages attributable to  
33 such person's failure to wear a seat safety belt, a person's failure to wear a seat safety belt  
34 shall not serve to deprive such person from recovering that portion of his or her damages  
35 attributable to the negligence of another."

36 **SECTION 2.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law  
38 without such approval.

39 **SECTION 3.**

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