

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

AS PASSED SENATE

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; to repeal conflicting laws; and for other
5 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 and safety restraints for children four years of age or
12 younger, as follows:

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

17 **SECTION 1.2.**

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

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

25 ~~diminish any recovery for damages arising out of the ownership, maintenance, occupancy,~~
26 ~~or operation of a motor vehicle."~~

27 **SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.