

House Bill 504

By: Representatives Pak of the 108th, Williamson of the 115th, Harrell of the 106th, Taylor of the 79th, Willard of the 51st, and others

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 passenger vehicle to wear a seat
13 safety belt when such vehicle has an available seat safety belt shall be considered
14 evidence in mitigation of such occupant's claim for damages but only if the court finds:

15 (A) The party introducing such evidence plead such failure as a defense prior to the
16 entry of a pretrial order;

17 (B) The occupant was at least 14 years of age at the time of his or her injury; and

18 (C) The evidence demonstrates that such occupant's failure to use a seat safety belt
19 contributed to his or her injuries.

20 Where the court makes such a finding, the finder of fact may then consider the occupant's
21 failure to wear a seat safety belt. If the finder of fact finds that the failure to wear a seat
22 safety belt contributed to the occupant's injuries, then the finder of fact shall reduce the
23 occupant's recovery to the extent that the injuries were caused by his or her failure to
24 wear a seat safety belt.

25 (2) The failure of any occupant of a motor vehicle to wear a seat safety belt shall not be
26 a basis for cancellation of coverage or increase in insurance rates.

