

House Bill 532

By: Representatives Jacobs of the 80th, Pak of the 108th, Willard of the 51st, Geisinger of the 48th, Fleming of the 121st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use
2 of safety belts in passenger vehicles, so as to provide that the failure to use seat safety belts
3 may be admitted into evidence under certain circumstances; to provide for related matters;
4 to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety
8 belts in passenger vehicles, is amended by revising subsection (d) as follows:

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

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

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

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

24 (2) If the court finds that the evidence supports the findings set forth in paragraph (1) of
25 this subsection, the trier of fact may find that the plaintiff's failure to wear a seat safety
26 belt in violation of this subsection contributed to the plaintiff's claimed injuries and may

27 reduce the amount of the plaintiff's recovery; provided, however, that notwithstanding
28 subsection (g) of Code Section 51-12-33, while the trier of fact may reduce a person's
29 right to recover damages according to the proportion of those damages attributable to
30 such person's failure to wear a seat safety belt, a person's failure to wear a seat safety belt
31 shall not serve to deprive such person from recovering that portion of his or her damages
32 attributable to the negligence of another."

33 **SECTION 2.**

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

36 **SECTION 3.**

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