

House Bill 290

By: Representatives Drenner of the 85th, Rice of the 95th, Williams of the 168th, Powell of the 32nd, Roberts of the 155th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions regarding the uniform rules of the road, so as to require
3 the securing or containing of live animals in the back of motor vehicles operated on certain
4 roads; to provide for exceptions; to provide for a fine; to specify the basis for probable cause;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 miscellaneous provisions regarding the uniform rules of the road, is amended by adding a
10 new Code section to read as follows:

11 "40-6-254.1.

12 (a) No person driving a motor vehicle on a public road in this state which is part of The
13 Dwight D. Eisenhower System of Interstate and Defense Highways shall transport any live
14 animal in the back of such motor vehicle in a space intended for any load unless:

15 (1) The space is enclosed or has side and tail racks to a height of at least 46 inches
16 extending vertically from the floor;

17 (2) The animal is cross-tethered to the vehicle or secured by a harness that encircles the
18 shoulders and rib cage of the animal; or

19 (3) The animal is protected by being placed within a container which will prevent the
20 animal from being thrown, falling, or jumping from the vehicle.

21 (b) This Code section shall not be applicable to the transportation of an animal in a trailer
22 pulled by a motor vehicle.

23 (c) A violation of this Code section shall not be considered evidence of negligence or
24 causation, shall not otherwise be considered by the finder of fact on any question of
25 liability of any person, corporation, or insurer, shall not be any basis for cancellation of
26 coverage or increase in insurance rates, and shall not be evidence used to diminish any

27 recovery for damages arising out of the ownership, maintenance, occupancy, or operation
28 of a motor vehicle.

29 (d)(1) Except as otherwise provided in paragraph (2) of this subsection, a person failing
30 to comply with the requirements of subsection (a) of this Code section shall not be guilty
31 of any criminal act and shall not be guilty of violating any ordinance. A violation of this
32 Code section shall not be a moving traffic violation for purposes of Code
33 Section 40-5-57.

34 (2) A person failing to comply with the requirements of subsection (a) of this Code
35 section shall be guilty of the offense of failure to secure a live animal in a motor vehicle
36 and, upon conviction thereof, may be fined not more than \$15.00; but, the provisions of
37 Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the
38 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
39 surcharge to a fine for such offense be assessed against a person for conviction thereof.
40 The court imposing such fine shall forward a record of the disposition of the case of
41 failure to secure a live animal in a motor vehicle to the Department of Driver Services.

42 (e) Probable cause for a violation of this Code section shall be based solely upon a law
43 enforcement officer's clear and unobstructed view of a live animal not secured as required
44 by this Code section. Noncompliance with the requirements for securing a live animal set
45 forth in this Code section shall not constitute probable cause for a violation of any other
46 Code section."

47 **SECTION 2.**

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