

House Bill 325

By: Representatives Hitchens of the 161st, Tanner of the 9th, Lumsden of the 12th, Wilkinson of the 52nd, Atwood of the 179th, 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 modify the definition of the term "passenger
3 vehicle" to which the safety belt law applies; to provide for the imposition of fines; to
4 provide for related matters; 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 subsections (a) and (e) as follows:

9 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,
10 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to
11 carry ~~ten~~ 15 passengers or fewer and used for the transportation of persons; provided,
12 however, that such term shall not include motorcycles; motor driven cycles; or off-road
13 vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or
14 older in connection with agricultural pursuits that are usual and normal to the user's
15 farming operation; and provided, further, that such term shall not include motor vehicles
16 designed to carry 11 to 15 passengers which were manufactured prior to July 1, 2015, and
17 which, as of such date, did not have manufacturer installed seat safety belts."

18 "(e)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a
19 person failing to comply with the requirements of subsection (b) of this Code section
20 shall not be guilty of any criminal act and shall not be guilty of violating any ordinance.
21 A violation of this Code section shall not be a moving traffic violation for purposes of
22 Code Section 40-5-57.

23 (2) A person failing to comply with the requirements of subsection (b) of this Code
24 section shall be guilty of the offense of failure to wear a seat safety belt and, upon
25 conviction thereof, may be fined not more than ~~\$15.00~~ \$50.00; but, the provisions of
26 Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the

27 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
28 surcharge to a fine for such offense be assessed against a person for conviction thereof.
29 The court imposing such fine shall forward a record of the disposition of the case of
30 failure to wear a seat safety belt to the Department of Driver Services.

31 (3) Each minor eight years of age or older who is an occupant of a passenger vehicle
32 shall, while such passenger vehicle is being operated on a public road, street, or highway
33 of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle
34 Safety Standard 208. In any case where a minor passenger eight years of age or older
35 fails to comply with the requirements of this paragraph, the driver of the passenger
36 vehicle shall be guilty of the offense of failure to secure a seat safety belt on a minor and,
37 upon conviction thereof, may be fined not more than ~~\$25.00~~ \$50.00. The court imposing
38 such a fine shall forward a record of the court disposition of the case of failure to secure
39 a seat safety belt on a minor to the Department of Driver Services."

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SECTION 2.

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