

The Senate Committee on Public Safety offered the following substitute to HB 171:

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 of motor vehicles, so as to allow for the use of mounts on
4 windshields of motor vehicles for the support of wireless telecommunications devices and
5 stand-alone electronic devices under certain circumstances; to provide for an exception; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
10 relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy
11 absorption systems of motor vehicles, is amended by revising subsection (a) of Code Section
12 40-8-73, relating to windshields and windshield wipers, as follows:

13 "(a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent
14 material upon the front windshield, side windows, or rear windows of such vehicle which
15 obstructs the driver's clear view of the highway or any intersecting highway; provided,
16 however, that, except as prohibited by federal law, rules, or regulations in the operation of
17 a commercial motor vehicle, a person may drive a motor vehicle with a mount for the
18 support of a wireless telecommunications device or stand-alone electronic device, as such
19 terms are defined in Code Section 40-6-241, upon the front windshield, provided that such
20 mount is located on the windshield in a manner which minimizes obstruction of the driver's
21 view."

22 SECTION 2.

23 Article 1 of Chapter 8 of title 40 of the Official Code of Georgia Annotated, relating to
24 general provisions regarding equipment of motor vehicles, is amended by revising subsection

25 (c) of Code Section 40-8-76, relating to safety belts required as equipment and safety
26 restraints for children, as follows:

27 "~~(c) Violation of this Code section shall not constitute~~ may be considered in any civil
28 action as evidence admissible on the issues of failure to mitigate damages, assumption of
29 risk, apportionment of fault, negligence, comparative negligence, per se nor contributory
30 negligence, or causation per se. Violation of subsection (b) of this Code section shall not
31 be the basis for cancellation of insurance coverage ~~or increase in insurance rates."~~

32 SECTION 3.

33 Said article is further amended by revising subsections (a), (b), (c), and (d) of Code Section
34 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

35 "40-8-76.1.

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

45 (b) Each occupant of the front seat of a passenger vehicle shall, while such passenger
46 vehicle is being operated on a public road, street, or highway of this state, be restrained by
47 a seat safety belt approved under Federal Motor Vehicle Safety Standard 208.

48 (c) The requirement of subsection (b) of this Code section shall not apply to:

49 (1) A driver or passenger frequently stopping and leaving the vehicle or delivering
50 property from the vehicle, if the speed of the vehicle between stops does not exceed 15
51 miles per hour;

52 (2) A driver or passenger possessing a written statement from a physician that such
53 person is unable, for medical or physical reasons, to wear a seat safety belt;

54 (3) A driver or passenger possessing an official certificate or license endorsement issued
55 by the appropriate agency in another state or country indicating that the driver is unable
56 for medical, physical, or other valid reasons to wear a seat safety belt;

57 (4) A driver operating a passenger vehicle in reverse;

58 (5) A passenger vehicle with a model year prior to 1965;

59 (6) A passenger vehicle which is not required to be equipped with seat safety belts under
60 federal law;

61 (7) A passenger vehicle operated by a rural letter carrier of the United States Postal
62 Service while performing duties as a rural letter carrier;

63 (8) A passenger vehicle from which a person is delivering newspapers; or

64 (9) A passenger vehicle performing an emergency service; or

65 (10) Off-road vehicles or pickup trucks being used by an owner, driver, or occupant 18
66 years of age or older in connection with agricultural pursuits that are usual and normal
67 to the user's farming operation.

68 (d)(1) Except when occurring under those circumstances set forth in subsection (c) of
69 this Code section, The the failure of an occupant of a motor passenger vehicle to wear a
70 seat safety belt in any seat of a motor vehicle which has a seat safety belt or belts shall
71 not may be considered in any civil action as evidence admissible of the issues of failure
72 to mitigate damages, assumption of risk, negligence, comparative negligence,
73 contributory negligence, apportionment of fault, or causation, shall not otherwise be
74 considered by the finder of fact on any question of liability of any person, corporation,
75 or insurer, shall not be any basis for cancellation of coverage or increase in insurance
76 rates, and shall not may be evidence used to diminish any recovery for damages arising
77 out of the ownership, maintenance, occupancy, or operation of a motor vehicle.

78 (2) The failure of an occupant of a passenger vehicle to wear a seat safety belt in any seat
79 or a motor vehicle which has a seat safety belt or belts shall not be any basis for
80 cancellation of insurance coverage."

81 **SECTION 4.**

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

84 **SECTION 5.**

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