

The Senate Committee on Public Safety offered the following substitute to HB 200:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to provide for the issuance of a Class C driver's license to operators of certain  
3 three-wheeled motor vehicles; to exempt operators of certain three-wheeled motor vehicles  
4 from headgear and eye-protective device requirements; to provide for the failure to wear a  
5 safety belt or safety restraints for children as admissible evidence in civil actions; to prohibit  
6 the failure to wear a safety belt or safety restraints for children as a basis for cancellation of  
7 insurance coverage; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
12 amended in Code Section 40-5-23, relating to classes of licenses, by revising subsection (c)  
13 as follows:

14 "(c) The noncommercial classes of motor vehicles for which operators may be licensed  
15 shall be as follows:

16 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000  
17 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in  
18 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight  
19 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross  
20 combined vehicle weight rating not in excess of 26,000 pounds, any three-wheeled motor  
21 vehicle that is equipped with ~~a steering wheel for directional control~~ seatbelts and a frame  
22 to partially or fully enclose the operator, and any self-propelled or towed vehicle that is  
23 equipped to serve as temporary living quarters for recreational, camping, or travel  
24 purposes and is used solely as a family or personal conveyance; except that any  
25 combination of vehicles with a gross vehicle weight rating not in excess of 26,000 pounds  
26 may be operated under such class of license if such combination of vehicles are  
27 controlled and operated by a farmer, used to transport agricultural products, livestock,  
28 farm machinery, or farm supplies to or from a farm, and are not used in the operations of  
29 a common or contract carrier;

30 Class D — Provisional license applicable to noncommercial Class C vehicles for which  
31 an applicant desires a driver's license but is not presently licensed to drive;

32 Class E — Any combination of vehicles with a gross vehicle weight rating of 26,001  
33 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles  
34 being towed is in excess of 10,000 pounds, and all vehicles included within Class F and  
35 Class C;

36 Class F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or  
37 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess  
38 of 10,000 pounds, and all vehicles included within Class C;

39 Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles not  
40 equipped with ~~handlebars for directional control~~ seatbelts and a frame to partially or fully  
41 enclose the operator;

42 Class P — Instruction permit applicable to all types of vehicles for which an applicant  
43 desires a driver's license but is not presently licensed to drive."

44 **SECTION 2.**

45 Said title is further amended in Code Section 40-6-315, relating to headgear and  
46 eye-protective devices for riders, by revising subsection (c) as follows:

47 "(c) This Code section shall not apply to persons riding within an enclosed cab or  
48 motorized cart or a three-wheeled motor vehicle equipped with seatbelts and a frame to  
49 partially or fully enclose the operator. This Code section shall not apply to a person  
50 operating a three-wheeled motorcycle used only for agricultural purposes."

51 **SECTION 3.**

52 Said title is further amended in Code Section 40-8-76, relating to safety belts required as  
53 equipment and safety restraints for children, by revising subsection (c) as follows:

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

59 **SECTION 4.**

60 Said title is further amended by revising Code Section 40-8-76.1, relating to use of safety  
61 belts in passenger vehicles, as follows:

62 "40-8-76.1.

63 (a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,  
64 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to  
65 carry 15 passengers or fewer and used for the transportation of persons; provided, however,

66 that such term shall not include motorcycles; or motor driven cycles; ~~or off-road vehicles~~  
67 ~~or pickup trucks being used by an owner, driver, or occupant 18 years of age or older in~~  
68 ~~connection with agricultural pursuits that are usual and normal to the user's farming~~  
69 ~~operation;~~ and provided, further, that such term shall not include motor vehicles designed  
70 to carry 11 to 15 passengers which were manufactured prior to July 1, 2015, and which, as  
71 of such date, did not have manufacturer installed seat safety belts.

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

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

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

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

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

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

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

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

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

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

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

92 (10) An off-road vehicle or pickup truck being used by an owner, driver, or occupant 18  
93 years of age or older in connection with agricultural pursuits that are usual and normal  
94 to the user's farming operation.

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

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

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

113 (2) A person failing to comply with the requirements of subsection (b) of this Code  
114 section shall be guilty of the offense of failure to wear a seat safety belt and, upon  
115 conviction thereof, may be fined not more than \$15.00; but, the provisions of Chapter 11  
116 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of  
117 such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to  
118 a fine for such offense be assessed against a person for conviction thereof. The court

119 imposing such fine shall forward a record of the disposition of the case of failure to wear  
120 a seat safety belt to the Department of Driver Services.

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

130 (f) Probable cause for violation of this Code section shall be based solely upon a law  
131 enforcement officer's clear and unobstructed view of a person not restrained as required by  
132 this Code section. Noncompliance with the restraint requirements of this Code section  
133 shall not constitute probable cause for violation of any other Code section."

134 **SECTION 5.**

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