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MOTOR VEHICLES AND TRAFFIC Equipment and Inspection of Motor Vehicles: Amend Chapter 8 of Title 40 of the Official Code of Georgia Annotated, Relating to the Use of Safety Belts in Passenger Vehicles, so as to Eliminate Certain Exceptions to the Required Use of Safety Belts; Repeal Conflicting Laws; and for Other Purposes

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MOTOR VEHICLES AND TRAFFIC

Equipment and Inspection of Motor Vehicles: Amend Chapter 8 of Title 40 of the Official Code of Georgia Annotated, Relating to the Use of Safety Belts in Passenger Vehicles, so as to Eliminate Certain Exceptions to the Required Use of Safety Belts; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. § 40-8-76.1 (amended)
BILL NUMBER:	SB 86
SUMMARY:	The bill would have amended Georgia's seatbelt laws, which exempt the occupants of pickup trucks (unless the occupant is under the age of 18), farm vehicles, motorcycles, and off-road vehicles from the laws requiring safety belt use. This bill would require all pickup truck occupants, regardless of age, to wear safety belts. The bill would retain the exemptions for farm vehicles and motorcycles.
EFFECTIVE DATE:	N/A

History

Georgia is one of only two states that currently exempt pickup trucks from compulsory seatbelt laws.¹ The reason for this unique exception is that Georgia has long been recognized as an agricultural state.² Georgia's first seatbelt law appeared in 1988 and applied to passenger vehicles.³ However, the law defined "passenger vehicle" to

1. *Lawmakers 2007* (GPTV broadcast Mar. 1, 2007) (on file with the Georgia State University Law Review) (noting that only Georgia and Indiana currently exempt pickup drivers from wearing seatbelts).

2. Doug Gross, *Bill Would Require People in Pickups to Wear Seatbelts*, ASSOCIATED PRESS, Mar. 1, 2007, available at 3/1/07 AP ALERT - GA 21:17:41 (Westlaw) ("The pickup law is nod to Georgia's history as a farming state.").

3. 1988 Ga. Laws 31, § 1 (codified at O.C.G.A. § 40-8-76.1 (1988)). The law provided that, unless a driver or passenger was violating another Georgia statute, a law enforcement officer was only allowed to warn the occupants of a passenger vehicle of the danger of not wearing a safety belt. *Id.* § 1(e).

exempt, among other things, “vehicles mounted on a truck chassis.”⁴ Two years later, the legislature changed the definition of a “passenger vehicle” from “vehicles mounted on a truck chassis” to specifically exempt “pickup trucks.”⁵ The legislature also amended the seatbelt requirement in 1990 by stating that all minors under the age of 18 were prohibited from riding in the back of pickup trucks.⁶ In 1993, the legislature adopted legislation that required all minor children over the age of four to be restrained by an approved safety belt.⁷ However, the Code still defined “passenger vehicle” as exempting pickup truck drivers and passengers. In 1994, the legislature changed the definition of “passenger vehicle” to require seatbelt use by pickup truck occupants who were under the age of 18.⁸ Though the definition of “passenger vehicle” did not change again until 2000, amendments to the seatbelt law were made in 1996, 1998, and 1999 without any attempt to include pickup truck drivers.⁹ The legislature amended the definition of “passenger vehicle” in 2000 to include sport utility vehicles (SUVs), clarifying whether SUVs were included in the exception for “off road vehicles.”¹⁰ At that time, members of the

4. *Id.* § 1(a) (“As used in this Code section, the term ‘passenger vehicle’ means every motor vehicle designed to carry ten passengers or less and used for the transportation of persons but shall not mean motorcycles, motor driven cycles, vehicles mounted on a truck chassis, or vehicles equipped for off-road use.”).

5. 1990 Ga. Laws 589, § 1(a) (codified at O.C.G.A. § 40-8-76.1 (1990)) (“As used in this Code section, the term ‘passenger vehicle’ means every motor vehicle designed to carry ten passengers or less and used for the transportation of persons but shall not mean pickup trucks, motor cycles, motor driven cycles, or vehicles equipped for off-road use.”).

6. 1990 Ga. Laws 589, § 2 (codified at O.C.G.A. § 40-8-79 (2007)).

7. 1993 Ga. Laws 516, § 1(e)(3) (codified at O.C.G.A. § 40-8-76.1 (1993)).

8. 1994 Ga. Laws 1005, § 1(a), stating:

As used in this Code section, the term ‘passenger vehicle’ means every motor vehicle designed to carry ten passengers or less and used for the transportation of persons but shall not mean pickup trucks, motorcycles, motor driven cycles, or vehicles equipped for off-road use, provided that the term ‘passenger vehicle’ includes pickup trucks for any occupant who is under 18 years of age.

9. *See* 1996 Ga. Laws 469, § 1 (codified at O.C.G.A. § 40-8-76 to -76.1 (1996)) (setting a penalty for failing to wear a seatbelt); 1998 Ga. Laws 1579, § 1 (codified at O.C.G.A. § 40-8-76.1 (1998)) (same); 1999 Ga. Laws 276 (codified at O.C.G.A. § 40-8-76.1 (1999)) (disallowing failure to wear a seatbelt to be used to show negligence, to change insurance coverage, or to diminish recovery for damages in a civil suit).

10. 2000 Ga. Laws 862, § 1(a) (codified at O.C.G.A. § 40-8-76.1 (2007)), stating:

As used in this Code section, the term ‘passenger vehicle’ means every motor vehicle designed to carry ten passengers or less and used for the transportation of persons but shall not mean pickup trucks, motorcycles, motor driven cycles, or vehicles equipped for

legislature attempted to include pickup trucks, but because of Georgia's history as an agriculture state, the pickup truck exception remained.¹¹ The seatbelt law was amended again in 2004 and 2005 without changing the definition of "passenger vehicle."¹² As recently as 2006, members of the legislature tried unsuccessfully to amend the seatbelt law to include pickup trucks under the seatbelt requirement.¹³

Bill Tracking

Consideration and Passage by the Senate

Senators Don Thomas (R-54th), Jim Whitehead, Sr. (R-24th), Doug Stoner (D-6th), Jack Murphy (R-27th), and Daniel Weber (R-40th) sponsored Senate Bill 86.¹⁴ On January 31, 2007, the Senate first read SB 86 and Lieutenant Governor Casey Cagle assigned it to the Public Safety and Homeland Security Committee.¹⁵ The committee members discussed and passed the bill out of committee on February 14, 2007, without any changes by a vote of 9 to 2.¹⁶ During a committee meeting the bill received favorable commentary from five groups and no opposition.¹⁷ Senator Bill Heath (R-31st), however, opposed the bill, arguing that the government should not meddle in private decisions.¹⁸ On March 1, 2007, SB 86 was read for a third time and discussed on the Senate floor.¹⁹ Senator Preston

off-road use, provided that the term 'passenger vehicle' includes any sport utility vehicle and also includes pickup trucks for any occupant who is under 18 years of age.

11. Gross, *supra* note 1.

12. See 2004 Ga. Laws 572 (codified at O.C.G.A. § 40-8-76 (2007)) (substituting § 3(e)(3) to read "six years of age or older" for "over four years of age"); 2005 Ga. Laws 68 (codified at O.C.G.A. § 40-16-1 et seq. (2007)) (overhauling of the Department of Motor Vehicles).

13. *Georgia Legislative Diary for Thursday, March 23, 2006*, ASSOCIATED PRESS, Mar. 23, 2006, available at 3/23/06 AP ALERT-POLITICS 22:55:19 (Westlaw).

14. See SB 86, as introduced, 2007 Ga. Gen. Assem.

15. State of Georgia Final Composite Status Sheet, SB 86, June 5, 2007.

16. *Id.*; see also Interview with Brandon Phillips, aide to Sen. Jim Whitehead, Sr. (R-24th) (Feb. 28, 2007) [hereinafter Phillips Interview].

17. Phillips Interview, *supra* note 16 (stating that the representatives for the five groups speaking on behalf of the bill were: (1) Mike Healey with AAA; (2) Jason Brouce with Children's Health Care of Atlanta; (3) Steve Henry, Director of Operations with Georgia Department of Transportation; (4) Dr. John O'Shea with Georgia Pediatrics; and (5) Bob Cucchi for three different organizations including the Ford Motor Company).

18. *Id.*

19. State of Georgia Final Composite Status Sheet, SB 86, June 5, 2007.

Smith (R-52nd) suggested adding an amendment to increase the safety of drivers in other types of vehicles.²⁰ Senator Bill Heath (R-31st) suggested an amendment to bring the Georgia seatbelt laws in line with the FAA seatbelt regulations²¹ as well as an amendment repealing the legislation thirty days after it was enacted so that Georgia could secure the \$20.7 million incentive the federal government proposed if Georgia successfully passed the bill.²² Finally, Senator John Bulloch (R-11th) suggested an amendment that would exempt farmers from the seatbelt requirement who were traveling from field to field but incidentally had to cross over public roads.²³ Senator Thomas rejected these amendments because the U.S. Department of Transportation would allow Georgia to receive \$20.7 million only if SB 86 as originally introduced became law.²⁴

On March 1, 2007, the Senate passed the bill as approved by the Committee by a vote of 45 to 10.²⁵

Consideration by the House

The House first read SB 86 on March 19, 2007, and assigned the bill to the Agriculture and Consumer Affairs Committee.²⁶ The

20. Video Recording of Senate Proceedings, Mar. 1, 2007 at 3 hr., 33 min., 10 sec. (remarks by Sen. Preston Smith (R-52nd)), http://www.georgia.gov/00/article/0,2086,4802_6107103_72682316,00.html [hereinafter Senate Video] (“Would the Senator consider a friendly amendment then to require all occupants of convertibles to wear helmets, when they ride?”).

21. Senate Video, *supra* note 20, at 3 hr., 34 min., 52 sec. (remarks by Sen. Bill Heath (R-31st)) (“Would you be agreeable to an amendment that would put SB 86 in line with the language that is used that requires seatbelts in aircrafts?”).

22. *Id.* at 3 hr., 37 min., 17 sec. Senator Heath remarked:

Senator, you mentioned our interest in re-acquiring that \$20.7 million that the federal government has taken from the tax payers of Georgia. How about an amendment to this bill that would repeal it thirty days after it is signed into law? I understand that would give us plenty of time to get that check down here and then we could return to allowing people to think for themselves and exercise due caution.

23. Senate Video, *supra* note 20, at 3 hr., 42 min., 35 sec. (remarks by Sen. John Bulloch (R-11th)) (“Well, can we add to that part [an] exemption[] [for] a farmer if he [is] within a radius of five miles of his headquarters?”).

24. Senate Video, *supra* note 20, at 3 hr., 35 min., 7 sec. (remarks by Sen. Don Thomas (R-54th)). Senator Thomas remarked:

I would not be agreeable to any amendment on this bill because we have clearance from the feds in Washington that if this bill passes, as written, we will be eligible for the grant money of some \$20.7 million into transportation which we can very well use in this state. So I will strongly resist and oppose any amendment.

25. State of Georgia Final Composite Status Sheet, SB 86, June 5, 2007.

committee neither discussed nor voted on the bill, leaving the legislation alive for a committee vote in the next legislative session.²⁷ Interestingly, several other bills were introduced in the House that sought to amend the seatbelt laws to include pickup truck drivers.²⁸ Each of these bills was read and assigned to the Agriculture and Consumer Affairs Committee, the same committee to which SB 86 was assigned.²⁹ The committee neither discussed nor voted on any of these bills.³⁰

The Bill

SB 86, which passed the Senate but not the House, sought to amend Code section 40-8-76.1, which defines “passenger vehicle” for regulations concerning seatbelt usage.³¹ The Code currently excludes “pickup trucks, motorcycles, motor driven cycles, or vehicles equipped for off-road use, provided that the term ‘passenger vehicle’ includes any sport utility vehicle and also includes pickup trucks for any occupant who is under 18 years of age.”³² The new legislation would have repealed that language and instead define “passenger vehicles” as “every motor vehicle including, but not limited to, pickup trucks, vans, or sport utility vehicles”³³ Furthermore, SB 86 states that “[s]uch terms shall not include motorcycles, motor driven cycles, or farm vehicles equipped for and used primarily for off-road agriculture use.”³⁴ Similar legislation had been proposed in past years, but bill author Senator Don Thomas (R-54th) felt as though “the time was right,” and reintroduced the legislation this year.³⁵

26. *Id.*

27. *Id.*

28. See HB 200, as introduced, 2007 Ga. Gen. Assem.; HB 114, as introduced, 2007 Ga. Gen. Assem.; HB 608, as introduced, 2007 Ga. Gen. Assem. (quoting the exact language of SB 86).

29. State of Georgia Final Composite Status Sheet, HB 200, HB 114, HB 608, June 5, 2007.

30. *Id.*

31. See SB 86, as introduced, 2007 Ga. Gen. Assem.

32. O.C.G.A. § 40-8-76.1 (2007).

33. SB 86, as introduced, 2007 Ga. Gen. Assem.

34. *Id.*

35. See Interview with Sen. Don Thomas (R-54th) (Feb. 28, 2007) [hereinafter Thomas Interview] (discussing how former House Speaker Tom Murphy had opposed the bill for years, but how this year the “time is right” because “people are listening to legislation that saves money and lives.”).

Analysis

SB 86 would have changed the existing law in Georgia by requiring seatbelts to be worn in pickup trucks.³⁶ Supporters of the bill believed it would have saved thousands of lives as well as millions of dollars in health care and insurance costs.³⁷ The bill would have also qualified Georgia to receive roughly \$20.7 million in federal highway money.³⁸ Supporters also asserted that the bill recognized that pickup trucks are no longer used exclusively for utility purposes and are instead driven as family vehicles to church, soccer practice, and work.³⁹

Despite these favorable arguments and passage by the Senate by a vote of 45 to 10, SB 86 did not come up for a committee vote in the House.⁴⁰ Senator Don Thomas (R-54th) recognized that the bill's survival chances came down to one thing: committee assignment.⁴¹ SB 86 was assigned to the Agriculture and Consumer Affairs committee in the House.⁴² Given the economic force of agriculture in Georgia, such a committee may heed dissension by those claiming that the bill would adversely affect farmers.⁴³

36. See SB 86, as introduced, 2007 Ga. Gen. Assem.

37. See Senate Video, *supra* note 20, at 3 hr., 24 min., 15 sec. (remarks by Sen. Don Thomas (R-54th)). Senator Thomas remarked:

Among passenger vehicle occupants over four years old, safety belts prevent 15,700 fatalities, 350,000 serious injuries, and \$67 billion, not million, \$67 billion, in economic costs associated with traffic crashes every year Pickup truck occupants with no restraints were 2.7 times more likely to be admitted to the hospital than those who wore safety belts. The average total hospitalization cost for an unrestrained pickup truck occupant was \$43,601 compared to \$25,267 for those who wore seatbelts in a pickup truck.

Id.

38. *Id.* (“\$20,681,353, I believe.”).

39. See Phillips Interview, *supra* note 16 (discussing the committee meeting on SB 86 where Sen. Emanuel Jones (D-10th), who owns a car dealership, and Sen. Valencia Seay (D-34th), made the point in committee that trucks are becoming less like utility vehicles, and more like family cars).

40. State of Georgia Final Composite Status Sheet, SB 86, June 5, 2007.

41. See Thomas Interview, *supra* note 35 (answering, “[i]t depends on the committee assignment” when asked about the chances of the bill’s survival in the House).

42. State of Georgia Final Composite Status Sheet, SB 86, June 5, 2007.

43. Cf. U.S. Rep. Sanford Bishop (D-GA 2nd), Editorial, *Farm Subsidies: Agriculture Cuts Would Risk Security*, ATLANTA J.-CONST., Sept. 12, 2007, at A19, available at 2007 WLNR 17777989 (advocating for national legislation to protect Georgia’s agricultural industry, which is Georgia’s largest industry). See also Senate Video, *supra* note 20, at 3 hr., 43 min., 7 sec. (remarks by Sen. John Bulloch (R-11th)) (seeking to add an exception for farmers to SB 86).

The agricultural community's concerns may be unfounded, however, because there is no need to buckle up when on private property.⁴⁴ Thus, if a farmer were on his or her own land, driving from field to field, there would be no need for him or her to buckle a seatbelt, whether in a truck or any other vehicle.⁴⁵ The concern of opponents of the bill was that farmers driving from field to field who have to cross a public road, no matter how short a distance, would have to buckle their safety belts.⁴⁶ However, whereas SB 86 deals with Code section 40-8-76.1(a), defining "passenger vehicle," it did not affect subsection (c) of that Code section, which provides an exception to the seatbelt requirement for "[a] driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour."⁴⁷ When the author of SB 86, Senator Don Thomas, was asked whether farmers might fall within this exception, he responded, "[t]hey probably do."⁴⁸ Furthermore, the language of SB 86 may provide an exception for farmers by stating that "passenger vehicles" do not include "vehicles equipped for and used primarily for off-road agricultural use."⁴⁹ When asked whether a farmer who uses a pickup truck either primarily or exclusively would fall within this exception, Senator Thomas seemed uncertain.⁵⁰

While both the necessity of, and the exemptions within, SB 86 may be disputed, the statistics behind seatbelt requirements are very real. Recent data collected by the Georgia Governor's Office of Highway Safety shows that in 2001, there were 1656 deaths on Georgia roads,

44. See Senate Video, *supra* note 20, at 3 hr., 42 min., 15 sec. (remarks by Sen. Don Thomas (R-54th)) ("... obviously you don't have to buckle up on your farm or on private land.")

45. *Id.*

46. See Senate Video, *supra* note 20, at 3 hr., 41 min., 38 sec. (remarks by Sen. John Bulloch (R-11th)). Senator Bulloch remarked:

When we look at agriculture and farming, and when you are driving a vehicle and you go from field to field, and you may not even have to travel a quarter of a mile, a tenth of a mile, on a public road, but this would require that every time you get in the vehicle to pullout and drive on that public road, one hundred yards or a mile, that you would have to put a seatbelt on.

Id.

47. O.C.G.A. § 40-8-76.1(c)(1) (2007).

48. See Thomas Interview, *supra* note 35.

49. See SB 86, as introduced, 2007 Ga. Gen. Assem.

50. See Thomas Interview, *supra* note 35 (responding that the exception in the bill applies to "almost any vehicle you would use for a farm" but then stated that it would only include pickup trucks if they did not go on a main road).

and about forty percent of those deaths involved occupants of pickup trucks.⁵¹ Furthermore, 2004 data reveals that of 1292 highway deaths, 794 of those deaths involved unrestrained vehicle occupants.⁵² Senator Steve Thompson (D-33rd) stated, “In 1999[,] out of 179 traffic fatalities in pickup trucks the Governor’s Office of Highway Safety said 135 of those probably would have survived had they had their seatbelts on.”⁵³ While the future of SB 86 remains uncertain, such statistics are likely to bear heavily on the future of similar bills.

Arthur A. Lyness

51. Ga. Governor’s Office of Highway Safety, County Crash Deaths by Vehicle Type, and Five Year Trend in Injuries and Deaths in Georgia Counties, <http://www.gahighwaysafety.org/statistics2.html> (last visited May 28, 2007).

52. Ga. Governor’s Office of Highway Safety, 2004 Crash Data—Restraint Use, <http://www.gahighwaysafety.org/statistics2.html> (last visited May 28, 2007).

53. See Senate Video, *supra* note 20, at 3 hr., 44 min., 21 sec (remarks by Sen. Steve Thompson (D-33rd)).