



GEORGIA STATE SENATE

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DIRECTOR

THE FINAL REPORT OF THE SENATE STUDY COMMITTEE ON PASSENGER VEHICLE SEAT SAFETY BELTS

COMMITTEE MEMBERS

Senator John Albers – Committee Chairman
District 56

Senator Tonya Anderson – Committee Vice-Chair
District 43

Senator Bill Cowsert
District 46

Senator Donzella James
District 35

Senator Chuck Payne
District 54

COMMITTEE FOCUS, CREATION, AND DUTIES

The Senate Study Committee on Passenger Vehicle Seat Safety Belts was created by Senate Resolution 366 to study the means and mechanisms for increasing seat belt usage in motor vehicles in Georgia, including, but not limited to, the consideration of requiring all occupants of a passenger vehicle to be restrained by a seat belt.¹

Senator John Albers of the 56th asked the Vice-Chair Senator Tonya Anderson of the 43rd to serve as his Co-Chair of the Committee as she was the author of the originating legislation. The other Senate members included: Senator Bill Cowser of the 46th; Senator Donzella James of the 35th; and Senator Chuck Payne of the 54th. The Committee held three meetings at the State Capitol on September 4th, October 1st, and November 6th, and heard testimony from the following individuals: Allen Poole, Director of the Governor's Office of Highway Safety; Colonel Mark McDonough, Commissioner of Public Safety; Nathan Humphrey, National Federation of Independent Businesses (NFIB); Terry Norris, Georgia Sheriffs Association; Dwayne Orrick, Georgia Association of Chiefs of Police; Emily Bagwell, Georgia Association of Property and Casualty Insurance Companies (GAPCIC); Ron Jackson, American Property and Casualty Insurance Association; Chief John Robinson, Alpharetta Police Department; Montrae Waiters and Mark Middleton, AAA; Amy Krieg, Georgia Hospital Association; and Dana Thompson, Children's Healthcare of Atlanta.

COMMITTEE FINDINGS

Testimony heard by the Committee focused primarily on:

1. Georgia's seat belt statute;
2. The personal safety and medical cost implications of being properly restrained in passenger vehicles; and
3. The failure to use seat belts being admissible evidence in civil cases.

Georgia's Seat Belt Statute

Currently, every state except New Hampshire requires adult front-seat occupants to use seat belts. Thirty states require all rear-seat passengers to be in seatbelts. Georgia does not mandate rear-seat usage. Thirty-four states, including Georgia, have primary enforcement of seat belts. Primary enforcement laws allow law enforcement to stop and cite a motorist solely for not using a seatbelt.

Under Georgia law, all drivers and front-seat occupants in a passenger vehicle are required to wear a seat belt. Failure to comply with this law could result in a ticket and fine of \$15.² Additionally, all passengers, ages 8 to 17, must wear a seat belt, regardless of their position in the vehicle. Failure to comply with this law could result in a ticket and a \$25 fine for the driver of the vehicle.³

The law exempts drivers and occupants in the following vehicles and situations from the seat belt requirement:

- Motorcycles, motor driven cycles, or off-road vehicles;
- Pickup trucks being used by an owner, driver, or occupant 18 years of age or older in connection with agricultural pursuits that are usual and normal to the user's farming operation;
- Motor vehicles designed to carry 11 to 15 passengers manufactured before July 1, 2015, and which do not have manufacturer-installed seat belts;
- A driver or passenger frequently stopping and leaving the vehicle to deliver property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;
- A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat belt;
- A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat belt;

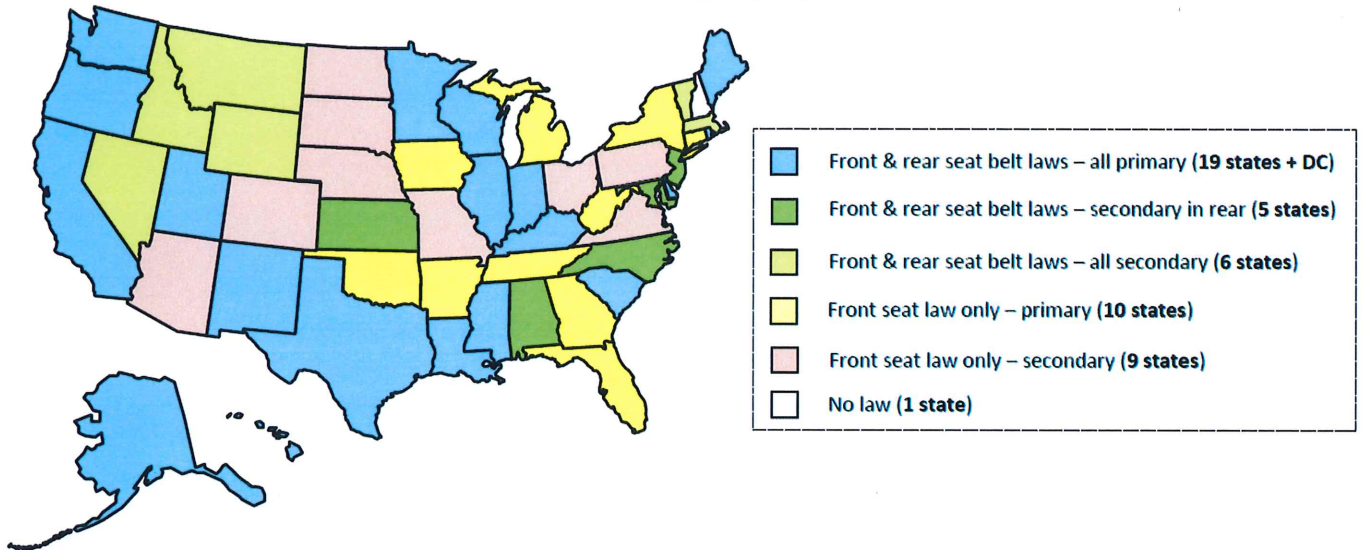
¹ <http://www.legis.ga.gov/legislation/en-US/Display/20192020/SR/366>

² O.C.G.A. § 40-8-76.1(a) defines passenger vehicle to mean "every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ten passengers or fewer and used for the transportation of persons"

³ O.C.G.A. § 40-8-76 requires children under 8 years of age to be restrained in a proper booster seat appropriate for their weight and height, and travel in the backseat of the vehicle.

- A driver operating a passenger vehicle in reverse;
- A passenger vehicle manufactured before 1965;
- A passenger vehicle which is not required to be equipped with seat belts under federal law;
- A passenger vehicle operated by a rural letter carrier of the U.S. Postal Service while performing duties as a rural letter carrier;
- A passenger vehicle from which a person is delivering newspapers; and
- A passenger vehicle performing an emergency service.

Seat Belt Laws: State Landscape (September 2019)



Source: AAA

Georgia's seat belt statute was first enacted in 1988 and initially applied only to front-seat occupants.⁴ The 1988 law expressly exempted "vehicles mounted on a truck chassis," which was later clarified in 1990 to specifically exempt pickup trucks.⁵ This early law also fell under secondary enforcement, that is to say, violators could only be cited for not wearing a seat belt only after they first had been stopped for some other traffic violation. The penalty was \$15, which is the same as it is today.

The original seatbelt statute was amended several times since 1988, most notably in:

- 1993 - Requiring minors to be restrained anywhere within a passenger vehicle;
- 1996 - Allowing for primary enforcement so that violators can be stopped and cited independent of any other traffic violation; and
- 2010 - Eliminating the pickup truck exemption.⁶

Although the fines for violating the state's seat belt laws may seem negligible to most people, and a violation does not constitute a moving violation, the law itself serves as a very powerful public awareness tool which has been used by public safety and transportation agencies to help change people's habits over the past several decades. Virtually everyone on the road today is aware of the "Click It or Ticket" campaign.⁷

⁴ See House Bill 751 (1988)

⁵ See House Bill 1180 (1990)

⁶ See House Bill 4 (1993); Senate Bill 606 (1996); and Senate Bill 458 (2010)

⁷ <https://www.nhtsa.gov/campaign/click-it-or-ticket>

Safety and Financial Implications to Being Properly Restrained in Passenger Vehicle

Safety Implications

The Committee heard testimony from various law enforcement agencies, the Governor's Office of Highway Safety, the National Federation of Independent Businesses, as well as representatives from the insurance industry. All witnesses testified on the importance of all occupants, regardless of age and seat location, using their seatbelts within passenger motor vehicles for safety reasons.

The ubiquitous three-point seat belt (lap and shoulder belt) prevents ejection from the vehicle and keeps people from colliding with the vehicle interior or with other occupants during a crash. Even though a vehicle may have slowed or stopped after colliding with another vehicle or object, unbelted occupants keep moving at the same travel speed until they catch up with and crash into what's in front of them. Seat belts help to prevent or reduce injuries from this second collision by securing people to their seats so they slow down with the vehicle as its crush zone absorbs most of the kinetic energy.⁸

Additionally, unbelted occupants can put other people in the vehicle at risk. In a frontal crash, drivers and front-seat passengers are at increased risk of injury from unbelted rear-seat passengers, and in a side-impact crash, passengers sitting adjacent to unbelted passengers are at increased risk of injury. A 2004 study by the National Institutes of Health (NIH) determined that exposure to unbelted occupants increases the risk of injury or death to other occupants in the vehicle by 40 percent.⁹ A similar 2013 NIH study concluded that in frontal crashes, an unbelted rear seat passenger sitting behind a belted driver increases the risk of fatality for the driver by 137 percent compared with a belted rear seat passenger.¹⁰

According to the National Highway Traffic Safety Administration (NHTSA), seat belts saved an estimated 14,955 lives nationwide in 2017.¹¹ For drivers and front-seat passengers, using a lap and shoulder belt reduces the risk of fatal injury by 60 percent in an SUV, van, or pickup and by 45 percent in a car. It is further estimated that if everyone were properly restrained, an additional 2,456 deaths could have been prevented. While the vast majority of drivers and front-seat passengers use seat belts, nearly half of people who die in crashes are not belted.¹²

Georgia ranks among the best states in the nation regarding seat belt use compliance, with 96.3 percent of drivers and right-front passenger using their seat belts in 2017.¹³ This is well above the 89.6 percent nationwide rate (driver and right-front passenger).¹⁴

In states that require occupants to be restrained in all seating positions, 84 percent of rear-seat passengers used seat belts in 2017, compared with 63 percent of rear-seat passengers in states that require only front-seat belt use.¹⁵ Unfortunately, no reliable rear-seat restraint data exists for Georgia.

The NHTSA determined that 1,056 passenger vehicle occupants were killed in accidents in Georgia in 2017.¹⁶ Of those fatalities:

- 488 (51%) were restrained based on known use;
- 464 (49%) were unrestrained based on known use; and
- 104 unknown.¹⁷

⁸ <https://www.iihs.org/topics/seat-belts#overview>

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1730165/>

¹⁰ <https://www.ncbi.nlm.nih.gov/pubmed/23411155>

¹¹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683.pdf>

¹² <https://www.iihs.org/topics/seat-belts#overview>

¹³ Colonel Mark McDonough, Commissioner of Public Safety testified that from his and other patrolmen's observations, he believes that seat belt use in Georgia is much lower, around 65%-75%, than what the NHTSA numbers suggest.

¹⁴ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812763>

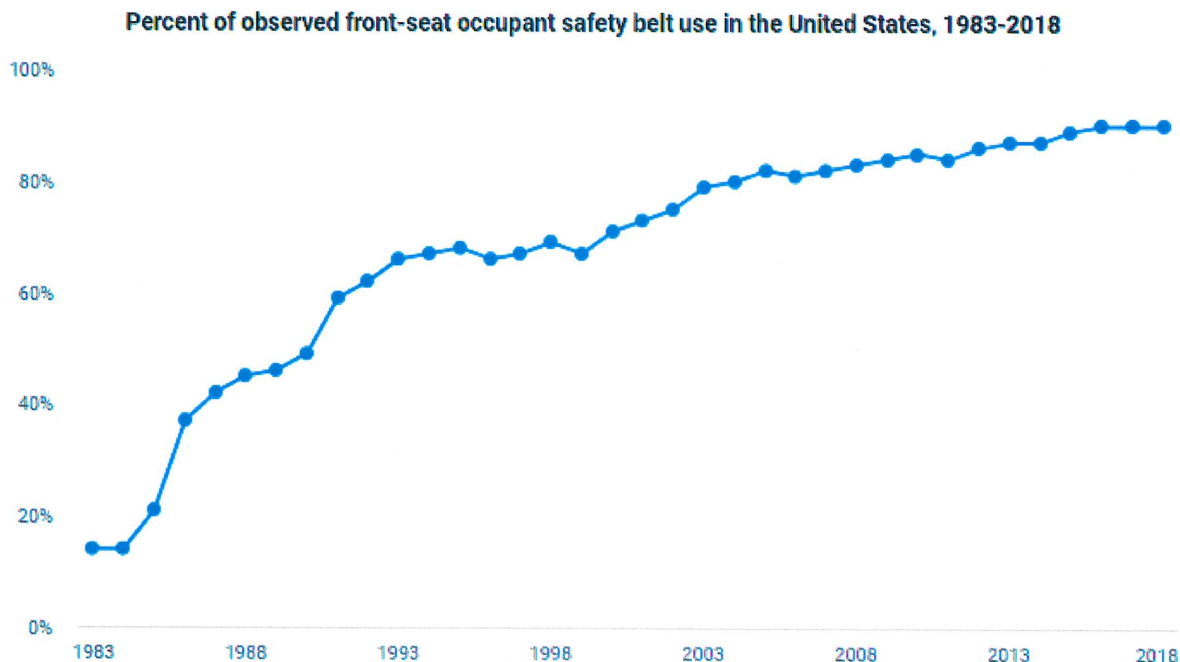
¹⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812594.pdf>

¹⁶ This figure only includes passenger vehicles and does not include commercial vehicles, motor carriers, motorcycle, bicycle, pedestrian, etc. fatalities. <https://cdan.nhtsa.gov/stsi.htm#>

¹⁷ At first glance, these figures suggest that restrained occupants experienced a higher rate of fatalities than unrestrained occupants. However, one must remember that the vast majority of vehicle occupants are restrained.

Of the 23,551 nationwide passenger vehicle fatalities in 2017:

- 11,376 (53%) were restrained based on known use;
- 10,514 (47%) were unrestrained based on known use; and
- 1,987 unknown.¹⁸



Source: Insurance Institute of Highway Safety

Medical Cost Implications

Although secondary to the safety of passenger vehicle occupants, seat belts do reduce medical costs to individuals involved in serious motor vehicle accidents. In 2015, NHTSA estimated that needless deaths and injuries that result from non-use of seat belts cost society more than \$10 billion annually in medical care, lost productivity and other injury related costs. While, from 1975 to 2015, over \$1 trillion in economic costs have been saved due to seat belt use.¹⁹

Emily Bagwell of the Georgia Association of Property and Casualty Insurance Companies (GAPCIC), and Ron Jackson of the American Property and Casualty Insurance Association each testified that it is much more expensive to medically treat unrestrained occupants involved in a motor vehicle accident than restrained occupants. Ms. Bagwell testified that a recent four-year Nebraska study discovered that the average hospital cost of unrestrained occupants injured in vehicle accidents is approximately \$17,600 while the hospital costs for those that were restrained in similar accidents is just under \$7,000. A similar Alabama study concluded that unbelted medical costs were two and half to five times higher than belted costs.²⁰ Although many factors are involved in determining auto insurance rates, the lack of a seat belt requirement for adults in vehicle back seats could be one of many factors resulting in higher auto insurance rates in Georgia compared to its neighbors.

¹⁸ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812603>

¹⁹ <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>

²⁰ Testimony presented on October 1, 2019 by Emily Bagwell of the Georgia Association of Property and Casualty Insurance Companies (GAPCIC), and Ron Jackson of the American Property and Casualty Insurance Association.

Admissibility of Failure to Use Seat Belts in Civil Cases

Under Georgia law, the failure of an occupant to wear a seat belt in any seat of a motor vehicle:

- Must not be considered evidence of negligence or causation;
- Must not otherwise be considered by the finder of fact on any question of liability of any person, corporation, or insurer;
- Must not be any basis for cancellation of coverage or increase in insurance rates; and
- Must not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a motor vehicle.²¹

Nathan Humphrey of the National Federation of Independent Businesses testified in favor of repealing these provisions and allowing juries in a civil action to consider evidence that a plaintiff failed to use an available seat belt when assessing comparative fault.²² He explained that this will allow juries to have all of the evidence necessary when deciding on and properly apportioning damages.²³

COMMITTEE RECOMMENDATIONS

1. The Committee heard testimony in favor of passengers being properly restrained within a motor vehicle. The testimony and evidence overwhelmingly revealed the safety and financial benefits of having all vehicle occupants, front and rear-seat, properly restrained. The Committee also learned that 30 states require all vehicle occupants to be restrained. Therefore, the Committee supports updating the law and requiring all passenger vehicle occupants to be properly restrained so that Georgia is consistent with the other 30 states. The Committee also strongly recommends increased public service announcements, reminders and other awareness solutions to educate drivers and passengers.
2. The fact that seat belts reduce injuries and save lives is well established by all of the testimony heard by the Committee as well as by an overwhelming wealth of research conducted over several decades. In light of this evidence, the Committee recommends that legislation be adopted allowing juries to consider evidence that a plaintiff failed to use an available seat belt in assessing comparative fault.

²¹ O.C.G.A. § 40-8-76.1

²² Testimony presented on September 4, 2019 by Nathan Humphrey of the National Federation of Independent Businesses (NFIB).

²³ Approximately twenty states have a statutory or case law mechanism in place which could result in reduction of plaintiff's damages for not having a seat belt on at the time of an accident. See:

https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812405_summary-of-vehicle-occupant-protection-and-motorcycle-laws-14th-edition.pdf and <https://www.mwl-law.com/wp-content/uploads/2018/02/SEAT-BELT-DEFENSE-CHART.pdf>

Respectfully Submitted,

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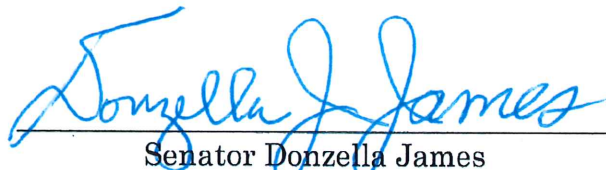
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