

House Bill 371

By: Representatives Drenner of the 85th, McCall of the 33rd, Powell of the 32nd, Williams of the 168th, and Trammell of the 132nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions regarding the uniform rules of the road, so as to require
3 the securing or containing of live animals in the back of motor vehicles operated on certain
4 highways; to provide for a penalty; to specify the basis for probable cause; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 miscellaneous provisions regarding the uniform rules of the road, is amended by adding a
10 new Code section to read as follows:

11 "40-6-254.1.

12 (a) No person shall operate a motor vehicle on Interstate 285, or on any portion of
13 Interstates 20, 75, or 85 or Georgia Highway 400 that are located within the arc of
14 Interstate 285, while transporting any live animal in the back of such motor vehicle in a
15 space intended for any load unless:

16 (1) The space is enclosed or has side and tail racks to a height of at least 46 inches
17 extending vertically from the floor;

18 (2) The animal is cross-tethered to the vehicle or secured by a harness that encircles the
19 shoulders and rib cage of the animal; or

20 (3) The animal is protected by being placed within a container or cage which is secured
21 in such a manner that will prevent the container or cage from being thrown or falling
22 from the vehicle.

23 (b) A violation of this Code section shall not be considered evidence of negligence or
24 causation, shall not otherwise be considered by the finder of fact on any question of
25 liability of any person, corporation, or insurer, shall not be any basis for cancellation of
26 coverage or increase in insurance rates, and shall not be evidence used to diminish any

27 recovery for damages arising out of the ownership, maintenance, occupancy, or operation
28 of a motor vehicle.

29 (c) A person failing to comply with the requirements of this Code section shall be guilty
30 of the offense of failure to secure a live animal in a motor vehicle and, upon conviction
31 thereof, shall be fined not more than \$15.00. The provisions of Chapter 11 of Title 17 and
32 any other provision of law to the contrary notwithstanding, the costs of such prosecution
33 shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such
34 offense be assessed against a person for conviction thereof. A violation of this Code
35 section shall not be a violation for which points may be assessed pursuant to Code Section
36 40-5-57.

37 (d) Probable cause for a violation of this Code section shall be based solely upon a law
38 enforcement officer's clear and unobstructed view of a live animal not secured as required
39 by this Code section. Noncompliance with the requirements for securing a live animal set
40 forth in this Code section shall not constitute probable cause for a violation of any other
41 Code section."

42 **SECTION 2.**

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