

House Bill 673 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Carson of the 46<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Golick of the 40<sup>th</sup>, Trammell of the 132<sup>nd</sup>, Smith of the 134<sup>th</sup>, and others

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 prohibit actions which distract a driver while operating a motor vehicle; to  
3 provide for the proper and safe use of wireless telecommunications devices and stand-alone  
4 electronic devices while driving; to provide for definitions; to provide for violations; to  
5 provide for punishment; to provide for the assessment of points upon conviction; to repeal  
6 Code Sections 40-6-241.1 and 40-61-241.2, relating to definitions, prohibition on certain  
7 persons operating a motor vehicle while engaging in wireless communications, exceptions,  
8 and penalties and prohibition on persons operating a motor vehicle while writing, sending,  
9 or reading text based communications, prohibited uses of wireless telecommunication  
10 devices by drivers of commercial vehicles, exceptions, and penalties for violation,  
11 respectively; to correct cross-references; to provide for a short title; to provide for related  
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 This Act shall be known and may be cited as the "Hands-Free Georgia Act."

16 SECTION 2.

17 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
18 amended by revising subparagraph (c)(1)(A) of Code Section 40-5-57, relating to suspension  
19 or revocation of license of habitually negligent or dangerous driver and point system, as  
20 follows:

21 "(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be  
22 assessed for each offense shall be as provided in the following schedule:

- 23 (i) Aggressive driving ..... 6 points
- 24 (ii) Reckless driving ..... 4 points



59 (e) The driver of a school bus shall not use or operate a ~~cellular telephone~~ wireless  
 60 telecommunications device, as such term is defined in Code Section 40-6-241, while the  
 61 bus is in motion, unless it is being used in a similar manner as a two-way radio to allow  
 62 live communication between the driver and school officials or public safety officials ~~and~~  
 63 ~~in accordance with the provisions of paragraph (2) of subsection (b) and of subsection (c)~~  
 64 ~~of Code Section 40-6-241.2."~~

#### 65 SECTION 4.

66 Said title is further amended by revising Code Section 40-6-241, relating to driver to exercise  
 67 due care and proper use of radios and mobile telephones allowed, as follows:

68 "40-6-241.

69 (a) As used in this Code section, the term:

70 (1) 'Stand-alone electronic device' means a device other than a wireless  
 71 telecommunications device which stores audio or video data files to be retrieved on  
 72 demand by a user.

73 (2) 'Utility services' means and includes electric, natural gas, water, waste-water, cable,  
 74 telephone, or telecommunications services or the repair, location, relocation,  
 75 improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers,  
 76 cables, easements, rights of way, or associated infrastructure.

77 (3) 'Wireless telecommunications device' means a cellular telephone, a portable  
 78 telephone, a text-messaging device, a personal digital assistant, a stand-alone computer,  
 79 a global positioning system receiver, or substantially similar portable wireless device that  
 80 is used to initiate or receive communication, information, or data. Such term shall not  
 81 include an earpiece device or similar device used for communication purposes, a radio,  
 82 citizens band radio, citizens band radio hybrid, commercial two-way radio  
 83 communication device or its functional equivalent, subscription based emergency  
 84 communication device, prescribed medical device, amateur or ham radio device, or  
 85 in-vehicle security, navigation, or remote diagnostics system.

86 (b) A driver shall exercise due care in operating a motor vehicle on the highways of this  
 87 state and shall not engage in any actions which shall distract such driver from the safe  
 88 operation of such vehicle, ~~provided that, except as prohibited by Code Sections 40-6-241.1~~  
 89 ~~and 40-6-241.2, the proper use of a radio, citizens band radio, mobile telephone, or amateur~~  
 90 ~~or ham radio shall not be a violation of this Code section.~~

91 (c) While operating a motor vehicle on any highway of this state, no individual shall:

92 (1) Physically hold or support, with any part of his or her body, a wireless  
 93 telecommunications device or stand-alone electronic device;

- 94 (2) Reach for a wireless telecommunications device or stand-alone electronic device in  
 95 such a manner that requires the driver to no longer be:
- 96 (A) In a seated driving position; or  
 97 (B) Properly restrained by a safety belt;
- 98 (3) Write, send, or read any text based communication, including but not limited to a text  
 99 message, instant message, e-mail, or Internet data on a wireless telecommunications  
 100 device or stand-alone electronic device; provided, however, that such prohibition shall  
 101 not apply to:
- 102 (A) A voice based communication which is automatically converted by such device to  
 103 be sent as a message in a written form; or  
 104 (B) The use of such device for navigation of such vehicle or for global positioning  
 105 system purposes;
- 106 (4) Watch a video or movie on a wireless telecommunications device or stand-alone  
 107 electronic device other than watching data related to the navigation of such vehicle; or  
 108 (5) Record a video on a wireless telecommunications device or stand-alone electronic  
 109 device; provided that such prohibition shall not apply to electronic devices used for the  
 110 sole purpose of continuously recording the view through a motor vehicle's windshield.
- 111 (d) Each violation of this Code section shall constitute a separate offense.
- 112 (e) Any person convicted of violating this Code section shall be guilty of a misdemeanor  
 113 which shall be punishable with a fine of not less than \$300.00.
- 114 (f) Subsection (c) of this Code section shall not apply when the prohibited conduct  
 115 occurred:
- 116 (1) While reporting a traffic accident, medical emergency, fire, an actual or potential  
 117 criminal or delinquent act, or road condition which causes an immediate and serious  
 118 traffic or safety hazard;
- 119 (2) By an employee or contractor of a utility services provider acting within the scope  
 120 of his or her employment while responding to a utility emergency;
- 121 (3) By a law enforcement officer, firefighter, emergency medical services personnel,  
 122 ambulance driver, or other similarly employed public safety first responder during the  
 123 performance of his or her official duties; or
- 124 (4) While in a motor vehicle which is lawfully parked."

125 **SECTION 5.**

126 Said title is further amended by repealing in its entirety Code Section 40-6-241.1, relating  
 127 to definitions, prohibition on certain persons operating a motor vehicle while engaging in  
 128 wireless communications, exceptions, and penalties.

129 **SECTION 6.**

130 Said title is further amended by repealing in its entirety Code Section 40-6-241.2, relating  
131 to prohibition on persons operating a motor vehicle while writing, sending, or reading text  
132 based communications, prohibited uses of wireless telecommunication devices by drivers of  
133 commercial vehicles, exceptions, and penalties for violation.

134 **SECTION 7.**

135 Said title is further amended by replacing "Code Section 40-6-241.2" with "Code  
136 Section 40-6-241" wherever the former occurs in:

137 (1) Code Section 40-5-142, relating to definitions relative to commercial drivers' licenses;

138 and

139 (2) Code Section 40-5-159, relating to violations by commercial drivers' license holders.

140 **SECTION 8.**

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