

House Bill 335

By: Representatives Mobley of the 69<sup>th</sup>, Beasley-Teague of the 58<sup>th</sup>, Ragas of the 64<sup>th</sup> and Watson of the 70<sup>th</sup>

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 of the uniform rules of the road, so as to change certain  
3 provisions relating to the use of cellular telephones while operating a vehicle; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
8 miscellaneous provisions of the uniform rules of the road, is amended by striking Code  
9 Section 40-6-241, relating to driver exercising due care, and inserting in its place the  
10 following:

11 "40-6-241.

12 A driver shall exercise due care in operating a motor vehicle on the highways of this state  
13 and shall not engage in any actions which shall distract such driver from the safe operation  
14 of such vehicle, provided that the proper use of a radio; or citizens band radio; ~~or mobile~~  
15 ~~telephone~~ shall not be a violation of this Code section."

16 **SECTION 2.**

17 Said article is further amended by adding after Code Section 40-6-241, relating to driver  
18 exercising due care, a new Code section to read as follows:

19 "40-6-241.1.

20 (a) No person shall operate a motor vehicle while using a cellular telephone unless such  
21 telephone is equipped with a headset or hands-free device that only provides sound through  
22 one ear and allows surrounding sound to be heard with the other ear.

23 (b) Any person violating subsection (a) of this Code section shall be guilty of a  
24 misdemeanor punishable by a fine not to exceed \$50.00."

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**SECTION 3.**

2 All laws and parts of laws in conflict with this Act are repealed.