

Senate Bill 167

By: Senator Tate of the 38th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-5-57 of the Official Code of Georgia Annotated, relating to the suspension or revocation of the licenses of habitually negligent or dangerous drivers and to the point system, so as to provide for the assessment of points for a violation of Code Section 40-6-241, relating to the use of radios and mobile telephones while driving; to amend Code Section 40-6-241 of the Official Code of Georgia Annotated, relating to the exercise of due care by drivers and the allowance for proper use of radios and mobile telephones, so as to provide that a driver who is involved in an accident while using a mobile telephone shall be in violation of said Code section; to provide a penalty; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 40-5-57 of the Official Code of Georgia Annotated, relating to the suspension or revocation of the licenses of habitually negligent or dangerous drivers and to the point system, is amended by striking subparagraph (c)(1)(A) and inserting in lieu thereof the following:

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

Reckless driving	4 points
Unlawful passing of a school bus	6 points
Improper passing on a hill or a curve	4 points
Exceeding the speed limit by more than 14 miles per hour but less than 19 miles per hour	2 points
Exceeding the speed limit by 19 miles per hour or more but less than 24 miles per hour	3 points

1	Exceeding the speed limit by 24 miles per hour or more but less than 34	
2	miles per hour	4 points
3	Exceeding the speed limit by 34 miles per hour or more	6 points
4	Disobedience of any traffic-control device or traffic officer	3 points
5	Too fast for conditions	0 points
6	Possessing an open container of an alcoholic beverage while driving . . .	2 points
7	Failure to adequately secure a load, except fresh farm produce, resulting in	
8	loss of such load onto the roadway which results in an accident	2 points
9	Violation of child safety restraint requirements, first offense	1 point
10	Violation of child safety restraint requirements, second or subsequent	
11	offense	2 points
12	<u>Improper use of a mobile telephone which results in an accident.</u>	<u>3 points</u>
13	All other moving traffic violations which are not speed limit violations .	3 points"

14 **SECTION 2.**

15 Code Section 40-6-241 of the Official Code of Georgia Annotated, relating to the exercise
 16 of due care by drivers and the allowance for the proper use of radios and mobile telephones,
 17 is amended by striking said Code section in its entirety and inserting in lieu thereof the
 18 following:

19 "40-6-241.

20 A driver shall exercise due care in operating a motor vehicle on the highways of this state
 21 and shall not engage in any actions which shall distract such driver from the safe operation
 22 of such vehicle, provided that the proper use of a radio, citizens band radio, or mobile
 23 telephone shall not be a violation of this Code section. Any use of a mobile telephone by
 24 a driver while he or she operates a moving motor vehicle and which use is determined by
 25 law enforcement officers to be a contributing factor in any accident resulting in physical
 26 injury or property damage shall be a violation of this Code section which shall be punished
 27 by a fine of \$50.00 and which shall result in the assessment of points under Code Section
 28 40-5-57."

29 **SECTION 3.**

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