

House Bill 322

By: Representatives Benfield of the 85th, Wilkinson of the 52nd, Parham of the 141st, Howard of the 121st, Henson of the 87th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to
2 instruction permits, graduated licensing and related restrictions, and temporary licenses, so
3 as to prohibit holders of instruction permits and class D licenses from operating a motor
4 vehicle while using a mobile telephone; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction
8 permits, graduated licensing and related restrictions, and temporary licenses, is amended by
9 striking paragraph (1) of subsection (a) and inserting in lieu thereof the following:

10 "(a)(1) Any resident of this state who is at least 15 years of age may apply to the
11 department for an instruction permit to operate a noncommercial Class C vehicle. The
12 department shall, after the applicant has successfully passed all parts of the examination
13 referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an
14 instruction permit which shall entitle the applicant, while having such permit in his or her
15 immediate possession, to drive a Class C vehicle upon the public highways for a period
16 of two years ~~when~~ under the following conditions:

17 (A) The instruction permit holder shall be accompanied by a person at least 21 years
18 of age who is licensed as a driver for a commercial or noncommercial Class C vehicle,
19 who is fit and capable of exercising control over the vehicle, and who is occupying a
20 seat beside the driver; and

21 (B) The instruction permit holder shall not operate a motor vehicle on the public
22 highways while using any mobile telephone, cellular telephone, or any other wireless
23 telecommunications device."

SECTION 2.

Said Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction permits, graduated licensing and related restrictions, and temporary licenses, is further amended by striking paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) The department shall, after all applicable requirements have been met, issue to the applicant a Class D driver's license which shall entitle the applicant, while having such license in his or her immediate possession, to drive a Class C vehicle upon the public highways of this state under the following conditions:

(A) Any Class D license holder shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; ~~and~~

(B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age.

(ii) During the six-month period immediately following issuance of such license, any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when any other passenger in the vehicle is not a member of the driver's immediate family; and

(C) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state while using any mobile telephone, cellular telephone, or any other wireless telecommunications device;

provided, however, that a Class D license holder shall not be charged with a violation of this paragraph alone but may be charged with violating this paragraph in addition to any other traffic offense."

SECTION 3.

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