

House Bill 174

By: Representatives Walker of the 107<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Cooper of the 41<sup>st</sup>, Benfield of the 85<sup>th</sup>, Watson of the 91<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 drivers' licenses, so as to prohibit the use of cellular, hands-free, or mobile telephones by  
3 holders of instruction permits and Class D licenses; to add a points penalty for the unlawful  
4 use of cellular, hands-free, or mobile telephones by holders of instruction permits and Class  
5 D licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
9 is amended by revising Code Section 40-5-24, relating to issuance of instruction permits and  
10 graduated drivers' licensing, by adding a new paragraph (4) at the end of subsection (a) to  
11 read as follows:

12 "(4) Any holder of an instruction permit issued under this subsection is prohibited from  
13 using a cellular, hands-free, or mobile telephone while driving a motor vehicle upon the  
14 public roads, streets, or highways of this state."

15 **SECTION 2.**

16 Said chapter is further amended in Code Section 40-5-24, relating to issuance of instruction  
17 permits and graduated drivers' licensing, by revising paragraph (2) of subsection (b) as  
18 follows:

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

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

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

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

9 (C) Any Class D license holder shall not use a cellular, hands-free, or mobile telephone  
 10 while driving a Class C motor vehicle upon the public roads, streets, or highways of this  
 11 state;

12 provided, however, that a Class D license holder shall not be charged with a violation of  
 13 subparagraph (A) or (B) of this paragraph alone but may be charged with violating this  
 14 paragraph in addition to any other traffic offense. A Class D license holder may be  
 15 charged with a violation of subparagraph (C) of this paragraph alone."

### 16 SECTION 3.

17 Said chapter is further amended in Code Section 40-5-57, relating to the assessment of points  
 18 in the suspension or revocation of the license of a habitually negligent or dangerous driver,  
 19 by revising subsection (b) and subparagraph (c)(1)(A) as follows:

20 "(b) For the purpose of identifying habitually dangerous or negligent drivers and habitual  
 21 or frequent violators of traffic regulations governing the movement of vehicles, the  
 22 department shall assess points, as provided in subsection (c) of this Code section, for  
 23 convictions of violations of the provisions of Chapter 6 of this title, of violations of lawful  
 24 ordinances adopted by local authorities regulating the operation of motor vehicles, of  
 25 violations of the provisions of Code Section 40-5-24, relating to the use of cellular,  
 26 hands-free, or mobile telephones while operating a motor vehicle upon the public roads,  
 27 streets, or highways of this state, and of offenses committed in other states which if  
 28 committed in this state would be grounds for such assessment. Notice of each assessment  
 29 of points may be given, but the absence of notice shall not affect any suspension made  
 30 pursuant to this Code section. No points shall be assessed for violating a provision of state  
 31 law or municipal ordinance regulating standing, parking, equipment, size, and weight. The  
 32 department is required to suspend the license of a driver, without preliminary hearing,  
 33 when his or her driving record identifies him or her as a habitually dangerous or negligent  
 34 driver or as a habitual or frequent violator under this subsection.

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

1	Aggressive driving . . . . .	6 points
2	Reckless driving . . . . .	4 points
3	Unlawful passing of a school bus . . . . .	6 points
4	Improper passing on a hill or a curve . . . . .	4 points
5	Exceeding the speed limit by more than 14 miles per hour but less than 19	
6	miles per hour . . . . .	2 points
7	Exceeding the speed limit by 19 miles per hour or more but less than 24	
8	miles per hour . . . . .	3 points
9	Exceeding the speed limit by 24 miles per hour or more but less than 34	
10	miles per hour . . . . .	4 points
11	Exceeding the speed limit by 34 miles per hour or more . . . . .	6 points
12	Disobedience of any traffic-control device or traffic officer . . . . .	3 points
13	Too fast for conditions . . . . .	0 points
14	Possessing an open container of an alcoholic beverage while driving . . . .	2 points
15	Failure to adequately secure a load, except fresh farm produce, resulting in	
16	loss of such load onto the roadway which results in an accident . . . . .	2 points
17	<u>Violation of restrictions on cellular, hands-free, or mobile telephone usage</u>	<u>1 point</u>
18	Violation of child safety restraint requirements, first offense . . . . .	1 point
19	Violation of child safety restraint requirements, second or	
20	subsequent offense . . . . .	2 points
21	All other moving traffic violations which are not speed limit violations . .	3 points"

22 **SECTION 4.**

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