

The House Committee on Motor Vehicles offers the following substitute to HB 174:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

SECTION 2.

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

"(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 motor vehicle upon the public roads, streets, or 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.

(iii) Notwithstanding the provisions of division (i) of this subparagraph, during the second 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 more than one other passenger in the vehicle who is not a member of the driver's immediate family is less than 21 years of age; and

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

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

SECTION 3.

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

"(b) For the purpose of identifying habitually dangerous or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the department shall assess points, as provided in subsection (c) of this Code section, for convictions of violations of the provisions of Chapter 6 of this title, of violations of lawful ordinances adopted by local authorities regulating the operation of motor vehicles, of violations of the provisions of Code Section 40-5-24, relating to the use of cellular, hands-free, or mobile telephones while operating a motor vehicle upon the public roads, streets, or highways of this state, and of offenses committed in other states which if committed in this state would be grounds for such assessment. Notice of each assessment

of points may be given, but the absence of notice shall not affect any suspension made pursuant to this Code section. No points shall be assessed for violating a provision of state law or municipal ordinance regulating standing, parking, equipment, size, and weight. The department is required to suspend the license of a driver, without preliminary hearing, when his or her driving record identifies him or her as a habitually dangerous or negligent driver or as a habitual or frequent violator under this subsection.

(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:

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

SECTION 4.

This Act shall become effective on January 1, 2008.

SECTION 5.

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