

The Senate Public Safety Committee offered the following substitute to SB 360:

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Caleb Sorohan Act for Saving Lives by Preventing Texting While Driving";
2 to amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to
3 instruction permits, graduated licensing, related restrictions, and temporary licenses, so as
4 to deny eligibility for a Class D driver's license to a person under 18 years of age who has
5 been issued an instruction permit if such person has committed certain offenses relating to
6 distracted driving; to deny eligibility for a Class C driver's license to a person issued a Class
7 D driver's license if such person has committed certain offenses relating to distracted driving;
8 to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
9 relating to miscellaneous provisions for uniform rules of the road, so as to provide that the
10 use of a mobile telephone for purposes unrelated to spoken communication shall not be
11 allowed; to provide for legislative intent; to provide for penalties; to provide for related
12 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 WHEREAS, the General Assembly finds that there has been a proliferation of cellular
16 telephone use and that virtually every driver in Georgia now possesses such a device; and

17 WHEREAS, distractions caused by such devices, particularly the act of sending or reading
18 text based messages has resulted in numerous traffic accidents, injuries, and deaths
19 throughout our state and nation; and

20 WHEREAS, young drivers are particularly susceptible to such distractions due to their
21 inexperience and increased willingness to take risks while driving; and

22 WHEREAS, it is the responsibility of this body to take action to protect drivers from those
23 who abuse their driving privilege by recklessly text messaging while driving.

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SECTION 1.

This Act shall be known and may be cited as the "Caleb Sorohan Act for Saving Lives by Preventing Texting While Driving."

SECTION 2.

Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction permits, graduated licensing, related restrictions, and temporary licenses, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) A person who has been issued an instruction permit under this subsection and has never been issued a Class D driver's license under subsection (b) of this Code section will become eligible for a Class D driver's license under subsection (b) of this Code section only if such person is at least 17 years of age, has a valid instruction permit which is not under suspension, and, for a period of not less than 12 consecutive months prior to making application for a Class D driver's license, has not been convicted of a violation of Code Section 40-6-391, and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, ~~or~~ convicted of any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, or a second or subsequent conviction of driving while distracted in violation of Code Section 40-6-241 within 12 months as measured from the dates such violations occurred; provided, however, that a person who is at least 16 years of age and meets all of the other qualifications of this paragraph except for age who has completed an approved driver education training course as provided in subsection (a.2) of Code Section 40-5-22 will be eligible for a Class D driver's license."

SECTION 3.

Said Code section is further amended by revising paragraph (3) of subsection (b) as follows:

"(3) A person who has been issued a Class D driver's license under this subsection and has never been issued a Class C driver's license under this chapter will become eligible for a Class C driver's license under this chapter only if such person has a valid Class D driver's license which is not under suspension and, for a period of not less than 12 consecutive months prior to making application for a Class C driver's license, has not been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, ~~or~~ convicted of any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, or a second or subsequent conviction of driving while distracted in

59 violation of Code Section 40-6-241 within 12 months as measured from the dates such
60 violations occurred and is at least 18 years of age."

61 **SECTION 4.**

62 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
63 miscellaneous provisions for uniform rules of the road, is amended by revising Code Section
64 40-6-241, relating to requirement for drivers to exercise due care and proper use of radios
65 and mobile telephones, as follows:

66 "40-6-241.

67 (a) A driver shall exercise due care in operating a motor vehicle on the highways of this
68 state and shall not engage in any actions which shall distract such driver from the safe
69 operation of such vehicle, provided that the proper use of a radio; or citizens band radio;
70 or the proper use of a mobile telephone for purposes of engaging in spoken communication
71 shall not be a violation of this Code section.

72 (b) Any conviction for a violation of this Code section based on the use of a mobile
73 telephone for writing, sending, or reading a text based message or other purpose unrelated
74 to engaging in spoken communication shall be punished by a fine of not more than
75 \$150.00."

76 **SECTION 5.**

77 This Act shall become effective on July 1, 2010, and shall apply to offenses committed on
78 or after such date.

79 **SECTION 6.**

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