

Senate Bill 360

By: Senators Murphy of the 27th, Tate of the 38th, Hamrick of the 30th, Balfour of the 9th, Jackson of the 24th and others

**AS PASSED SENATE**

**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.

24 **SECTION 1.**

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

27 **SECTION 2.**

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

31 "(2) A person who has been issued an instruction permit under this subsection and has  
32 never been issued a Class D driver's license under subsection (b) of this Code section will  
33 become eligible for a Class D driver's license under subsection (b) of this Code section  
34 only if such person is at least 17 years of age, has a valid instruction permit which is not  
35 under suspension, and, for a period of not less than 12 consecutive months prior to  
36 making application for a Class D driver's license, has not been convicted of a violation  
37 of Code Section 40-6-391, and run or leaving the scene of an accident in violation of  
38 Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing  
39 or attempting to elude an officer, reckless driving, ~~or~~ convicted of any offense for which  
40 four or more points are assessable under subsection (c) of Code Section 40-5-57, or a  
41 second or subsequent conviction of driving while distracted in violation of Code Section  
42 40-6-241 within 12 months as measured from the dates such violations occurred;  
43 provided, however, that a person who is at least 16 years of age and meets all of the other  
44 qualifications of this paragraph except for age who has completed an approved driver  
45 education training course as provided in subsection (a.2) of Code Section 40-5-22 will  
46 be eligible for a Class D driver's license."

47 **SECTION 3.**

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

49 "(3) A person who has been issued a Class D driver's license under this subsection and  
50 has never been issued a Class C driver's license under this chapter will become eligible  
51 for a Class C driver's license under this chapter only if such person has a valid Class D  
52 driver's license which is not under suspension and, for a period of not less than 12  
53 consecutive months prior to making application for a Class C driver's license, has not  
54 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene  
55 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using  
56 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, ~~or~~ convicted  
57 of any offense for which four or more points are assessable under subsection (c) of Code  
58 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.