

House Bill 21

By: Representatives Oliver of the 83<sup>rd</sup>, Stephens of the 164<sup>th</sup>, Hugley of the 133<sup>rd</sup>, Abrams of the 84<sup>th</sup>, Ramsey of the 72<sup>nd</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 adding at the end of subsection (a) of Code Section 40-5-24, relating to  
10 issuance of instruction permits and graduated drivers' licensing, a new paragraph (4) to read  
11 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 by revising paragraph (2) of subsection (b) of Code Section  
17 40-5-24, relating to issuance of instruction permits and graduated drivers' licensing, 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~~

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

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

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

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

### 41 SECTION 3.

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

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

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

62	Aggressive driving . . . . .	6 points
63	Reckless driving . . . . .	4 points
64	Unlawful passing of a school bus . . . . .	6 points
65	Improper passing on a hill or a curve . . . . .	4 points
66	Exceeding the speed limit by more than 14 miles per hour	
67	but less than 19 miles per hour . . . . .	2 points
68	Exceeding the speed limit by 19 miles per hour or more	
69	but less than 24 miles per hour . . . . .	3 points
70	Exceeding the speed limit by 24 miles per hour or more	
71	but less than 34 miles per hour . . . . .	4 points
72	Exceeding the speed limit by 34 miles per hour or more . . . . .	6 points
73	Disobedience of any traffic-control device or traffic officer . . . . .	3 points
74	Too fast for conditions . . . . .	0 points
75	Possessing an open container of an alcoholic beverage while driving . . .	2 points
76	Failure to adequately secure a load, except fresh farm produce, resulting	
77	in loss of such load onto the roadway which results in an accident . . . . .	2 points
78	<u>Violation of restrictions on cellular, hands-free,</u>	
79	<u>or mobile telephone usage . . . . .</u>	<u>1 point</u>
80	Violation of child safety restraint requirements, first offense . . . . .	1 point
81	Violation of child safety restraint requirements, second or	
82	subsequent offense . . . . .	2 points
83	All other moving traffic violations which are not speed limit violations	3 points"

84 **SECTION 4.**

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