

Senate Bill 218

By: Senators Tate of the 38th, Fort of the 39th, Butler of the 55th, Orrock of the 36th, Staton of the 18th and others

A BILL TO BE ENTITLED  
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for the assessment of points for a violation of Code Section 40-6-241, relating to the use of radios and mobile telephones while driving; to provide that a driver who is involved in an accident while using a wireless electronic device to write, send, or read text based communications while operating a motor vehicle shall be in violation of Code Section 40-6-241; to provide a penalty; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-57, relating to the suspension or revocation of the licenses of habitually negligent or dangerous drivers and to the point system, by revising subparagraph (c)(1)(A) as follows:

"(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

26	Exceeding the speed limit by 34 miles per hour or more . . . . .	6 points
27	Disobedience of any traffic-control device or traffic officer . . . . .	3 points
28	Too fast for conditions . . . . .	0 points
29	Possessing an open container of an alcoholic beverage while driving . . .	2 points
30	Failure to adequately secure a load, except fresh farm produce, resulting	
31	in loss of such load onto the roadway which results in an accident . . . . .	2 points
32	Violation of child safety restraint requirements, first offense . . . . .	1 point
33	Violation of child safety restraint requirements, second or	
34	subsequent offense . . . . .	2 points
35	<u>Engaging in activities which distract the driver resulting in</u>	
36	<u>an accident</u> . . . . .	<u>2 points</u>
37	All other moving traffic violations which are not speed limit violations	3 points"

## 38 SECTION 2.

39 Said title is further amended by revising Code Section 40-6-241, relating to the exercise of  
 40 due care by drivers and the allowance for the proper use of radios and mobile telephones, as  
 41 follows:

42 "40-6-241.

43 A driver shall exercise due care in operating a motor vehicle on the highways of this state  
 44 and shall not engage in any actions which shall distract such driver from the safe operation  
 45 of such vehicle, provided that the proper use of a radio, citizens band radio, or mobile  
 46 telephone shall not be a violation of this Code section. If a driver engages in an action  
 47 which distracts such driver from the safe operation of a motor vehicle, including the use  
 48 of a wireless communications device to write, send, or read a text based communication,  
 49 and such action contributes to an accident resulting in physical injury or property damage,  
 50 such driver shall be guilty of a misdemeanor and upon conviction thereof shall be punished  
 51 by a fine not to exceed \$50.00 and assessment of points under Code Section 40-5-57."

## 52 SECTION 3.

53 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 54 without such approval.

## 55 SECTION 4.

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