

House Bill 944

By: Representatives Amerson of the 9th, Williams of the 4th, Wilkinson of the 52nd, Smith of the 70th, Hill of the 180th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to prohibit certain use of wireless telecommunications devices by persons while
3 operating a motor vehicle; to provide for exceptions; to provide penalties for violations; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended by revising Code Section 40-6-241, relating to drivers' exercise of due care and
10 proper use of radios and mobile telephones, as follows:

11 "40-6-241.

12 A driver shall exercise due care in operating a motor vehicle on the highways of this state
13 and shall not engage in any actions which shall distract such driver from the safe operation
14 of such vehicle, provided that, except as prohibited by Code Section 40-6-241.1, the proper
15 use of a radio, citizens band radio, ~~or~~ mobile telephone, or amateur or ham radio shall not
16 be a violation of this Code section."

17 **SECTION 2.**

18 Said title is further amended by inserting a new Code section to read as follows:

19 "40-6-241.1.

20 (a) As used in the Code section, the term:

21 (1) 'Engage in a wireless communication' means writing, sending, or reading a text-based
22 communication on a wireless telecommunications device.

23 (2) 'Wireless telecommunications device' means a cellular telephone, a text-messaging
24 device, a personal digital assistant, a stand alone computer, or any other substantially
25 similar wireless device that is used to initiate or receive a wireless communication with
26 another person. It does not include citizens band radios, citizens band radio hybrids,

27 commercial two-way radio communication devices, subscription-based emergency
28 communications, in-vehicle security, navigation, and remote diagnostics systems, or
29 amateur or ham radio devices.

30 (b) No person shall operate a motor vehicle on any public road or highway of this state
31 while engaging in a wireless communication using a wireless telecommunications device.

32 (c) Subsection (b) of this Code section shall not apply to:

33 (1) The use of a wireless telecommunications device for the sole purpose of
34 communicating with any of the following regarding an emergency situation: an
35 emergency response operator; a hospital, physician's office, or health clinic; an
36 ambulance company or corps; a fire department; or a police department; or

37 (2) Any of the following persons while in the performance of their official duties: a law
38 enforcement officer; a member of a fire department; or the operator of an emergency
39 vehicle designated as such under Code Section 40-8-92.

40 (d) Any conviction for a violation of the provisions of this Code section shall be a
41 misdemeanor punishable by a fine of not more than \$300.00."

42 **SECTION 3.**

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

45 **SECTION 4.**

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