

House Bill 945

By: Representatives Amerson of the 9th and Williams of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions of uniform rules of the road, so as to change certain
3 provisions relating to drivers' exercise of due care and proper use of radios and mobile
4 telephones; to prohibit certain use of wireless telecommunications devices; to provide for
5 enforcement; to provide exceptions; to provide penalties for violations; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "40-6-241.

14 A driver shall exercise due care in operating a motor vehicle on the highways of this state
15 and shall not engage in any actions which shall distract such driver from the safe operation
16 of such vehicle, ~~provided; provided, however,~~ that the proper use of a radio; or citizens
17 band radio, or mobile telephone shall not be a violation of this Code section; and provided,
18 further, that use of a wireless telecommunications device, as defined in Code
19 Section 40-6-241.1, shall be subject to the provisions of Code Section 40-6-241.1."

20 **SECTION 2.**

21 Said article is further amended by inserting a new Code section to read as follows:

22 "40-6-241.1.

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

24 (1) 'Engage in a wireless communication' means talking, sending, reading, or listening
25 on a wireless telecommunications device.

26 (2) 'Wireless telecommunications device' means a cellular telephone, a text-messaging
 27 device, a personal digital assistant, a stand alone computer, or any other substantially
 28 similar wireless device that is used to initiate or receive a wireless communication with
 29 another person. It does not include citizens band radios; citizens band radio hybrids;
 30 commercial two-way radio communication devices; subscription-based emergency
 31 communications, in-vehicle security, navigation, and remote diagnostics systems; or
 32 amateur or ham radio devices.

33 (b)(1) No person shall operate a motor vehicle upon a highway while using a wireless
 34 telecommunications device to engage in a wireless communication while such motor
 35 vehicle is in motion.

36 (2) The trier of fact may, in its discretion, infer that an operator of a motor vehicle who
 37 held a wireless telecommunication device to, or in the immediate proximity of, his or her
 38 ear while such motor vehicle was in motion was engaged in a wireless communication
 39 within the meaning of this subsection. Such inference may be rebutted by evidence
 40 tending to show that the operator was not engaged in a wireless communication.

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

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

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

49 (d) A violation of subsection (b) of this Code section shall be a misdemeanor punishable
 50 by a fine of not more than \$300.00."

51 **SECTION 3.**

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

54 **SECTION 4.**

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