

House Bill 163

By: Representatives Price of the 48th, Lott of the 122nd, Waites of the 60th, Belton of the 112th, Battles of the 15th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
2 uniform rules of the road, so as to limit the use of wireless telecommunication devices while
3 operating a motor vehicle when the driver is over 18 years of age or operating a school bus;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
8 of the road, is amended in Code Section 40-6-165, relating to operation of school buses, by
9 revising subsection (e) as follows:

10 "(e) The driver of a school bus shall not use or operate a cellular telephone while the bus
11 is in motion, unless it is being used in a similar manner as a two-way radio to allow live
12 communication between the driver and school officials or public safety officials ~~and~~ in
13 accordance with the provisions of ~~paragraph (2) of subsection (b) and of~~ or in a manner
14 listed in subsection (c) of Code Section 40-6-241.2."

15 **SECTION 2.**

16 Said chapter is further amended in Code Section 40-6-241.2, relating to the prohibition on
17 writing, sending, or reading text based communication while operating a motor vehicle,
18 prohibited uses of wireless telecommunication devices by drivers of commercial vehicles,
19 exceptions, and penalties, as follows:

20 "40-6-241.2.

21 (a) As used in this Code section, the term 'wireless telecommunications device' means a
22 cellular telephone, a text messaging device, a personal digital assistant, a stand alone
23 computer, or any other substantially similar wireless device that is used to initiate or
24 receive a wireless communication with another person. It does not include citizens band
25 radios, citizens band radio hybrids, commercial two-way radio communication devices,

26 subscription based emergency communications, in-vehicle security, navigation devices, and
 27 remote diagnostics systems, or amateur or ham radio devices.

28 (b)(1) No person who is 18 years of age or older or who has a Class C license shall operate
 29 a motor vehicle on any public road or highway of this state while:

30 (1) ~~using~~ Using a wireless telecommunications device to write, send, or read any text
 31 based communication, including but not limited to a text message, instant message,
 32 e-mail, or Internet data;

33 (2) ~~No person shall operate a commercial motor vehicle on any public road or highway~~
 34 ~~of this state while:~~

35 (A) Holding a wireless telecommunications device to conduct a voice communication;

36 (B)(3) Using more than a single button on a wireless telecommunications device to
 37 initiate or terminate a voice communication; or

38 (C)(4) Reaching for a wireless telecommunications device in such a manner that requires
 39 the driver to maneuver so that he or she is no longer in a seated driving position properly
 40 restrained by a safety belt.

41 (c) The provisions of this Code section shall not apply to:

42 (1) A person reporting a traffic accident, medical emergency, fire, serious road hazard,
 43 or a situation in which the person reasonably believes a person's health or safety is in
 44 immediate jeopardy;

45 (2) A person reporting the perpetration or potential perpetration of a crime;

46 (3) A public utility employee or contractor acting within the scope of his or her
 47 employment when responding to a public utility emergency;

48 (4) A law enforcement officer, firefighter, emergency medical services personnel,
 49 ambulance driver, or other similarly employed public safety first responder during the
 50 performance of his or her official duties; or

51 (5) A person engaging in wireless communication while in a motor vehicle which is
 52 lawfully parked.

53 (d) Any conviction for a violation of the provisions of this Code section shall be a
 54 misdemeanor punishable by a fine of \$150.00. The provisions of Chapter 11 of Title 17
 55 and any other provision of law to the contrary notwithstanding, the costs of such
 56 prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine
 57 for such offense be assessed against a person for conviction thereof. The court imposing
 58 such fine shall forward a record of the disposition to the Department of Driver Services.
 59 Any violation of this Code section shall constitute a separate offense."

60 **SECTION 3.**

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