

House Bill 247 (COMMITTEE SUBSTITUTE)

By: Representatives Carson of the 46th, Lumsden of the 12th, Collins of the 68th, Petrea of the 166th, Hitchens of the 161st, 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 provide for penalties for the commission of an offense of
3 distracted driving; to remove a process for being found not guilty of a violation in certain
4 instances; to provide for related matters; to provide for an effective date and applicability;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
9 of the road, is amended by revising Code Section 40-6-241, relating to distracted driving,
10 restrictions on operation of wireless telecommunications devices and stand-alone electronic
11 devices, penalty, and exceptions, as follows:

12 "40-6-241.

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

14 (1) 'Stand-alone electronic device' means a device other than a wireless
15 telecommunications device which stores audio or video data files to be retrieved on
16 demand by a user.

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17 (2) 'Utility services' means and includes electric, natural gas, water, waste-water, cable,
18 telephone, or telecommunications services or the repair, location, relocation,
19 improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers,
20 cables, easements, rights of way, or associated infrastructure.

21 (3) 'Wireless telecommunications device' means a cellular telephone, a portable
22 telephone, a ~~text-messaging~~ text messaging device, a personal digital assistant, a
23 stand-alone computer, a global positioning system receiver, or substantially similar
24 portable wireless device that is used to initiate or receive communication, information,
25 or data. Such term shall not include a radio, citizens band radio, citizens band radio
26 hybrid, commercial two-way radio communication device or its functional equivalent,
27 subscription based emergency communication device, prescribed medical device, amateur
28 or ham radio device, or in-vehicle security, navigation, or remote diagnostics system.

29 (b) A driver shall exercise due care in operating a motor vehicle on the highways of this
30 state and shall not engage in any actions which shall distract such driver from the safe
31 operation of such vehicle.

32 (c) While operating a motor vehicle on any highway of this state, no individual shall:

33 (1) Physically hold or support, with any part of his or her body, a:

34 (A) Wireless telecommunications device, provided that such exclusion shall not
35 prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct
36 a voice based communication; or

37 (B) Stand-alone electronic device;

38 (2) Write, send, or read any text based communication, including but not limited to a text
39 message, instant message, ~~e-mail, or Internet~~ email, or internet data on a wireless
40 telecommunications device or stand-alone electronic device; provided, however, that such
41 prohibition shall not apply to:

42 (A) A voice based communication which is automatically converted by such device to
43 be sent as a message in a written form; or

44 (B) The use of such device for navigation of such vehicle or for global positioning
45 system purposes;

46 (3) Watch a video or movie on a wireless telecommunications device or stand-alone
47 electronic device other than watching data related to the navigation of such vehicle; or

48 (4) Record or broadcast a video on a wireless telecommunications device or stand-alone
49 electronic device; provided that such prohibition shall not apply to electronic devices
50 used for the sole purpose of continuously recording or broadcasting video within or
51 outside of the motor vehicle.

52 (d) While operating a commercial motor vehicle on any highway of this state, no
53 individual shall:

54 (1) Use more than a single button on a wireless telecommunications device to initiate or
55 terminate a voice communication; or

56 (2) Reach for a wireless telecommunications device or stand-alone electronic device in
57 such a manner that requires the driver to no longer be:

58 (A) In a seated driving position; or

59 (B) Properly restrained by a safety belt.

60 (e) Each violation of this Code section shall constitute a separate offense.

61 ~~(f)(1) Except as provided for in paragraph (2) of this subsection, any~~ Any person convicted
62 of violating this Code section shall be guilty of a misdemeanor which shall be punished as
63 follows:

64 ~~(A)(1)~~ (1) For a first conviction with no conviction of and no plea of nolo contendere
65 accepted to a charge of violating this Code section within the previous 24 month period
66 of time, as measured from the dates any previous convictions were obtained or pleas of
67 nolo contendere were accepted to the date the current conviction is obtained or plea of
68 nolo contendere is accepted, a fine of ~~not more than~~ \$50.00, but the provisions of
69 Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the

70 costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
71 surcharge to a fine for such offense be assessed against a person for conviction thereof;
72 ~~(B)(2)~~ For a second conviction within a 24 month period of time, as measured from the
73 dates any previous convictions were obtained or pleas of nolo contendere were accepted
74 to the date the current conviction is obtained or plea of nolo contendere is accepted, a fine
75 of ~~not more than~~ \$100.00, but the provisions of Chapter 11 of Title 17 and any other
76 provision of law to the contrary notwithstanding, the costs of such prosecution shall not
77 be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be
78 assessed against a person for conviction thereof; or

79 ~~(C)(3)~~ For a third or subsequent conviction within a 24 month period of time, as
80 measured from the dates any previous convictions were obtained or pleas of nolo
81 contendere were accepted to the date the current conviction is obtained or plea of nolo
82 contendere is accepted, a fine of ~~not more than~~ \$150.00, but the provisions of Chapter 11
83 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of
84 such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to
85 a fine for such offense be assessed against a person for conviction thereof.

86 ~~(2) Any person appearing before a court for a first charge of violating paragraph (1) of~~
87 ~~subsection (c) of this Code section who produces in court a device or proof of purchase~~
88 ~~of such device that would allow such person to comply with such paragraph in the future~~
89 ~~shall not be guilty of such offense. The court shall require the person to affirm that they~~
90 ~~have not previously utilized the privilege under this paragraph.~~

91 (g) Subsections (c) and (d) of this Code section shall not apply when the prohibited
92 conduct occurred:

93 (1) While reporting a traffic accident, medical emergency, fire, an actual or potential
94 criminal or delinquent act, or road condition which causes an immediate and serious
95 traffic or safety hazard;

96 (2) By an employee or contractor of a utility services provider acting within the scope
97 of his or her employment while responding to a utility emergency;

98 (3) By a law enforcement officer, firefighter, emergency medical services personnel,
99 ambulance driver, or other similarly employed public safety first responder during the
100 performance of his or her official duties; or

101 (4) While in a motor vehicle which is lawfully parked."

102 **SECTION 2.**

103 This Act shall become effective on July 1, 2021, and shall apply to all offenses committed
104 on and after such date.

105 **SECTION 3.**

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