

House Bill 31

By: Representatives Mayo of the 84th, Greene of the 151st, Drenner of the 85th, Gordon of the 163rd, and Waites of the 60th

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 the uniform rules of the road, so as to provide that
3 only hands-free communications devices shall be used in motor vehicles; to provide for an
4 effective date; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 miscellaneous provisions of the uniform rules of the road, is amended by revising Code
10 Section 40-6-241, relating to the exercise of due care by drivers while operating a motor
11 vehicle, as follows:

12 "40-6-241.

13 A driver shall exercise due care in operating a motor vehicle on the highways of this state
14 and shall not engage in any actions which shall distract such driver from the safe operation
15 of such vehicle, provided that, except as prohibited by Code Sections 40-6-241.1 and
16 40-6-241.2, the proper use of a radio, citizens band radio, hands-free mobile telephone, or
17 amateur or ham radio shall not be a violation of this Code section. The use of a hand-held
18 mobile telephone by any driver while operating a motor vehicle on the highways of this
19 state shall be a violation of this Code section."

20 **SECTION 2.**

21 Said article is further amended in Code Section 40-6-241.1, relating to the prohibition of
22 certain persons operating a motor vehicle while engaging in wireless communications, by
23 revising subsection (c) as follows:

24 "(c) The provisions of this Code section shall not apply to a person who has an
25 instruction permit or a Class D license and is under 18 years of age who engages in a

26 wireless communication using a hands-free wireless telecommunications device to do any
 27 of the following:

- 28 (1) Report a traffic accident, medical emergency, or serious road hazard;
 29 (2) Report a situation in which the person believes his or her personal safety is in
 30 jeopardy;
 31 (3) Report or avert the perpetration or potential perpetration of a criminal act against the
 32 driver or another person; or
 33 (4) Engage in a wireless communication while the motor vehicle is lawfully parked."

34 **SECTION 3.**

35 Said article is further amended in Code Section 40-6-241.2, relating to the prohibition of
 36 writing, sending, or reading text based communications while operating a motor vehicle, by
 37 revising subsection (c) as follows:

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

- 39 (1) A person using a hands-free wireless telecommunications device reporting a traffic
 40 accident, medical emergency, fire, serious road hazard, or a situation in which the person
 41 reasonably believes a person's health or safety is in immediate jeopardy;
 42 (2) A person using a hands-free wireless telecommunications device reporting the
 43 perpetration or potential perpetration of a crime;
 44 (3) A public utility employee or contractor acting within the scope of his or her
 45 employment when responding to a public utility emergency;
 46 (4) A law enforcement officer, firefighter, emergency medical services personnel,
 47 ambulance driver, or other similarly employed public safety first responder during the
 48 performance of his or her official duties; or
 49 (5) A person engaging in wireless communication using a hands-free wireless
 50 telecommunications device while in a motor vehicle which is lawfully parked."

51

52 **SECTION 4.**

53 This Act shall become effective on July 1, 2013.

54 **SECTION 5.**

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