

Georgia's Hands-Free Law Took Effect July 1, 2018

- Drivers cannot have a phone in their hand or touching any part of their body while talking on their phone while driving.
- Even with hands-free technology, drivers cannot write, read or send text messages, e-mails, social media content and other internet data while on the road. (Voice to text is allowed)
- Drivers cannot watch videos when they are on the road. (Navigational/GPS videos are allowed)
- Drivers cannot use their phones or electronic devices to record video when they are on the road. (Continuously running dash cams are allowed)
- Drivers may listen to streaming music that does not include videos on the screen of their phone or device while driving but cannot touch their phones while on the road to activate or program any music streaming app. Streaming music that is controlled by and listened through the vehicle's radio is allowed. Drivers who need to touch their phones to activate/program their music streaming apps must do so before getting on the road
- The fine for a first conviction is \$50.00 and 1 point assessed against the driver's license. The fine is \$100.00 and 2 points for a second conviction and \$150.00 and 3 points for three or more conviction. The fines for a 2nd or 3rd offense only apply when date of a 2nd or 3rd conviction takes place within 24 months of the date of the first conviction. First time offenders can have the charge dropped by showing the court they have obtained a device that allows them to talk on a phone with hands-free technology or devices.



The Hands-Free Georgia Act was signed by Governor Nathan Deal on May 2, 2018, and will take effect on July 1, 2018. For more information on the law and FAQ, visit <http://www.headsupgeorgia.com/handsfree-law/>.

Hands-Free Georgia Act

Section 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subparagraph (c)(1)(A) of Code Section 40-5-57, relating to suspension or revocation of license habitually negligent or dangerous driver and point system as follows:

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|--------------------------------------------------------------------------|----------|
| (xv) First violation of Code Section 40-6-241 (Hands-Free Georgia Act) | 1 point |
| (xvi) Second violation of Code Section 40-6-241 (Hands-Free Georgia Act) | 2 points |
| (xvii) Third violation of Code Section 40-6-241 (Hands-Free Georgia Act) | 3 points |

Section 3.

Said title is further amended by revising subsections (d) and (e) of Code Section 40-6-165, relating to operation of school buses, as follows:

"(d) The driver of a school bus shall not use or operate a wireless telecommunications device, as such as term is defined in Code Section 40-6-241, or two-way radio while loading or unloading passengers.

(e) The driver of a school bus shall not use or operate a wireless telecommunications device, as such term is defined in Code Section 40-6-241, while the bus is in motion, unless it is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials."

Section 4.

Said title is further amended by revising Code Section 40-6-241, relating to driver to exercise due care and proper use of radios and mobile telephones allowed as follows:

"40-6-241.

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

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

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

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

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

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

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

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

(B) Stand-alone electronic device;

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

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

(B) The use of such device for navigation of such vehicle for global positioning system purposes.

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

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

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

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

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

(A) In a seated driving position; or

(B) Properly restrained by a safety belt.

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

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

(A) For a first conviction with no conviction of and no plea of nolo contendere accepted to a

charge of violating, this Code section within the previous 24 month period of time, as measured from the dates any previous convictions were obtained or pleas of nolo contendere were accepted to the date the current conviction is obtained or plea of nolo contendere is accepted, a fine of not more than \$50.00, but the provisions of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof;

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

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

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

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

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

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

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

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