

2018 Legislative Update Addendum Distracted Driving (HB673)

During the 2018 Legislative Session, the statute regulating distracted driving was addressed through HB673. As with most proposed legislation, this bill experienced several changes. This document provides a summary of the revised law 40-6-241.

While operating a motor vehicle on any highway of the state, drivers are prohibited from the following activities with a wireless or stand-alone electronic device:

- Physically holding or supporting a device with any part of their body;
- Writing, sending, or reading any text-based communication; (This does not apply to voice-based communications that are converted to a text message or the use of the device for navigation.)
- Watching a video or movie; or
- Recording or broadcasting a video.

Commercial motor vehicle operators are additionally prohibited from:

- Using more than a single button to initiate or terminate a voice communication; or
- Reaching for a device that requires the driver to no longer be in a seated position or not be properly restrained by a safety belt.

This law does not apply when the driver is:

- Reporting a traffic accident, medical emergency, fire, actual or potential criminal/delinquent act, or road condition that causes an immediate and serious traffic or safety hazard;
- An employee or contractor of a utility service provider who is acting within the scope of their employment while responding to an emergency;
- A law enforcement officer, firefighter, emergency medical personnel, ambulance driver or other first responder during the performance of their official duties; or
- Legally parked.

Persons convicted of this code section shall be guilty of a misdemeanor.

1st conviction	Maximum fine \$50.00
2 nd Conviction	Maximum fine \$100.00
3 rd and Subsequent Convictions	Maximum fine \$150.00

No additional costs for prosecution, penalty, fee, or surcharge shall be assessed to this fine. A first conviction is considered to have occurred if the driver has not received any previous convictions or nolo contendere pleas within the previous 24 months as measured by the date of the current conviction.

The law provides one caveat for first time offenders of the statute. If the individual appears before the court and provides the court a devise or proof of purchase of a device that would allow the individual to comply with the law, that person shall NOT be guilty of the offense. The individual must provide the court with an affirmation they have not previously utilized this privilege.

Points for violations are assessed as follows:

1 st Violation	1 point
2 nd Violation	2 points
3 rd and Subsequent Violations	3 points.

The link for the complete bill is <http://www.legis.ga.gov/Legislation/en-US/display/20172018/HB/673> .