

ARE YOU A DISTRACTED DRIVER? CHECK OUT THIS VIDEO

<https://www.facebook.com/CityofMarietta/videos/10155658906258831/>

Georgia's Hands-Free Law Effective July 1, 2018

Governor Nathan Deal recently signed House Bill 673 which requires drivers to use hands-free technology when using cell phones and other electronic devices while operating a vehicle. Many questions have arisen on what is required and how this should be communicated to our employees. Below you will find excerpts from the new law regarding what is and is not permitted.

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;
(**'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.)
(It does 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.)
or
 - (B) Stand-alone electronic device;
(**'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; (Example: iPod)
- (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 or 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 a 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.

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
 - (A) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to no longer be;
 - (B) In a seated driving position; or
 - (C) Properly restrained by a safety belt.

The Code does not apply when the conduct occurred:

- (1) While reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which 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) While in a motor vehicle which is lawfully parked.

Exemptions to the Code include:

- (1) 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;

Penalties:

- (1) 1 point assessed for each offense
- (2) Fines range from \$0.00 to \$150.00. However, any person appearing before a court for a first charge of violating paragraph (1) of subsection (c) of this 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.