

# O.C.G.A. § 40-6-241.2

Current through the 2017 Regular Session of the General Assembly.

- [Official Code of Georgia Annotated](#)
- [TITLE 40. MOTOR VEHICLES AND TRAFFIC](#)
- [CHAPTER 6. UNIFORM RULES OF THE ROAD](#)
- [ARTICLE 11. MISCELLANEOUS PROVISIONS](#)

## § 40-6-241.2. Writing, sending, or reading text based communication while operating motor vehicle prohibited; prohibited uses of wireless telecommunication devices by drivers of commercial vehicles; exceptions; penalties for violation

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**(a)** As used in this Code section, the term "wireless telecommunications device" means a cellular telephone, a text messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, subscription based emergency communications, in-vehicle security, navigation devices, and remote diagnostics systems, or amateur or ham radio devices.

**(b)**

**(1)** No person who is 18 years of age or older or who has a Class C license shall operate a motor vehicle on any public road or highway of this state while using a wireless telecommunications device to write, send, or read any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data.

**(2)** No person shall operate a commercial motor vehicle on any public road or highway of this state while:

**(A)** Holding a wireless telecommunications device to conduct a voice communication;

**(B)** Using more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

**(C)** Reaching for a wireless telecommunications device in such a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position properly restrained by a safety belt.

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

**(1)** A person reporting a traffic accident, medical emergency, fire, serious road hazard, or a situation in which the person reasonably believes a person's health or safety is in immediate jeopardy;

**(2)** A person reporting the perpetration or potential perpetration of a crime;

**(3)** A public utility employee or contractor acting within the scope of his or her employment when responding to a public utility emergency;

**(4)** 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

**(5)** A person engaging in wireless communication while in a motor vehicle which is lawfully parked.

**(d)** Any conviction for a violation of the provisions of this Code section shall be a misdemeanor punishable by a fine of \$150.00. 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. The court imposing such fine shall forward a record of the disposition to the Department of Driver Services. Any violation of this Code section shall constitute a separate offense.