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Georgia Hands-Free Law and Amateur Radio

O.C.G.A. § 40-6-241 — Distracted Driving

2021 Georgia Code · Title 40 – Motor Vehicles and Traffic · Chapter 6 – Uniform Rules of the Road · Article 11 – Miscellaneous Provisions

§ 40-6-241. Distracted Driving; Restrictions on Operation of Wireless Telecommunications Devices and Stand-Alone Electronic Devices; Penalty; Exceptions

Universal Citation: GA Code § 40-6-241 (2021)

Why this matters to hams: the law's definition of a "wireless telecommunications device" in subsection (a)(3) specifically **does not include** an **amateur or ham radio device**, along with radios, CB, and commercial two-way radio. The full text of that section follows.

Statute Text

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; 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 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.

COMMERCIAL VEHICLE SECTION OMITTED

d. Each violation of this Code section shall constitute a separate offense.

PENALTY SECTION OMITTED