

Georgia Bans Hand-Held Devices While Driving

By Todd Van Dyke

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Meet the Authors



Todd Van Dyke

(He/Him)

Principal

(404) 586-1814

Todd.VanDyke@jacksonlewis.com

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Georgia has become one of 16 states in the country that bans the use of hand-held devices while driving. Governor Nathan Deal signed “Hands-Free Georgia Act” (House Bill 673) into law on May 2, 2018. The new law takes effect on July 1, 2018.

The Act makes it illegal for drivers to “physically hold or support, with any part of his or her body,” a wireless telecommunications device. It will be illegal for drivers to make and receive telephone calls, send and receive text messages or emails, post on social media, or browse the internet with a hand-held device while driving (including while stopped at a traffic light). Drivers must use an earpiece or wireless device, including a smartphone watch, for making calls, sending or receiving texts, or for navigational purposes.

Drivers will be allowed to hold a phone only while driving in limited circumstances, including to make calls to report a traffic accident, criminal activity, medical emergency, or hazardous condition.

Beginning on the Act’s effective date, law enforcement officers will issue citations to drivers observed using hand-held devices. Penalties for violating the statute can include fines up to \$150.

In enacting the statute, the Georgia legislature aims to reduce the number of motor vehicle accidents and fatalities caused by distracted driving.

What Does It Mean for Employers?

Employers who do not have a specific policy or provision prohibiting the use of hand-held devices while driving in their employee handbook should consider including one. The policy should make it clear that it is illegal under Georgia law. This is especially important for employers in the trucking, transportation, delivery, roadside assistance, or any similar industries in which their employees frequently drive for work.

Until the new law goes into effect, only texting while driving has been prohibited in Georgia. Thus, even if employers already have policies addressing the use of cell phones while driving, those policies may not fully address the scope of the prohibited activity under the statute or the limited exceptions. All employers are encouraged to review their current cell phone or safety policies, and consider revising them as necessary to comply with the new law.

If you have any questions about the Act or other developments affecting employers, please contact the Jackson Lewis attorney with whom you regularly work.

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