Executive Summary

Multiple studies indicate that using a cell phone or similar device while driving puts drivers at greater risk of accident, injury, or death due to distracted driving.

HOUSE BILL 673 - "HANDS FREE LAW"

House Bill 673 also known as the "Hands Free Law" was passed by the Georgia General Assembly and signed into law by Governor Nathan Deal. The Hands-Free Law will take effect on July 1, 2018. The following is a brief description of what the law states and some frequently asked questions. Learn more about the Hands Free Law.

- A driver cannot have a phone in their hand or use any part of their body to support their phone. Drivers can only use their phones to make or receive phone calls by using speakerphone, earpiece, wireless headphone, phone is connected to vehicle or an electronic watch. GPS navigation devices are allowed.
- Headsets and earpieces can only be worn for communication purposes and not for listening to music or other entertainment.
- A driver may not send or read any text-based communication unless using voice-based communication that automatically converts message to a written text or is being used for navigation or GPS
- A driver may not write, send, or read any text messages, e-mails, social media or internet data content
- A driver may not watch a video unless it is for navigation.
- A driver may not record a video (continuously running dash cams are exempt)
- Music streaming apps can be used provided the driver activates and programs them when they are parked. Drivers cannot touch their phones to do anything to their music apps when they are on the road. Music streaming apps that include video also are not allowed since drivers cannot watch videos when on the road. Drivers can listen to and program music streaming apps that are connected to and controlled through their vehicle's radio.
- The hands-free law does NOT apply to the following electronic communication devices and the following devices can be used by the driver when on the road: 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.

EXCEPTIONS TO THE LAW ARE AS FOLLOWS:

1. Reporting a traffic crash, medical emergency, fire, criminal activity or hazardous road conditions.
2. An employee or contractor of a utility service provider acting within the scope of their employment while responding to an utility emergency.
3. A first responder (law enforcement, fire, EMS) during the performance of their official duties.
4. When in a lawfully parked vehicle—this DOES NOT include vehicles stopped for traffic signals and stop signs on the public roadway.

COMMERCIAL MOTOR VEHICLE OPERATORS

1. Commercial Motor Vehicle Operators can only use one button to begin or end a phone call
2. Cannot reach for a wireless telecommunications device or stand-alone electronic device that no longer requires the driver to be a seated position or properly restrained by a safety belt

SCHOOL BUS DRIVERS

1. The driver of a school bus cannot use a wireless telecommunication device or two-way radio while loading or unloading passengers.
2. The driver can only use a wireless telecommunication device while the bus is in motion as a two-way radio to allow live communications between the driver and school and public safety officials

In addition, it is important for agencies to provide educational and training materials to anyone who are be required to operate a cell phone on State business. There are many resources available for educational and training materials including:

- State of Georgia Department of Administrative Services Risk Management – "Do's and Don'ts of Driving"
- How's My Driving website
- American Automobile Association Driver Improvement Course

- National Highway Transportation Safety Administration
- U.S. cell phone, texting laws at a glance

Cell Phones or Similar Devices Definition:

Any mobile electronic device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of any information.

Risks of Using Cell Phones or Similar Devices While Operating a Vehicle:

The National Highway Safety Administration reports that in 2009, 5,474 people were killed on U.S. roadways and an estimated additional 448,000 people were injured in motor vehicle crashes that were reported to have involved distracted driving. Of those killed, 995 crashes reported use of a cell phone as a distraction (18% of fatalities in distraction-related crashes). For those who were injured, 24,000 involved reports of cell phone use as a distraction. According to the American Automobile Association, drivers who use hand-held devices are five times as likely to get into crashes serious enough to injure themselves.

More recent numbers provided by the American Automobile Association estimate cell phone use accounts for approximately 2,600 motor vehicle fatalities and 300,000 collisions each year. Overall, the risk of a collision while using a cell phone increases by 400 percent. In addition, while many believe a hands-free device may be less distracting while driving, research indicates no differences in risk between manual usage of a cell phone and hands-free use. Both methods of cell phone use are fully capable of diverting a driver's attention.

Cell phone use is involved in nearly 25% of car accidents. Using a cell phone or similar device while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. According to the Human Factors and Ergonomics Society, drivers talking on cell phones are 18% slower to react to brake lights. They also take 17% longer to regain the speed they lost when they braked.

An estimated 44% of American drivers now have cell phones in their automobiles. 85% of drivers surveyed said they use their phone occasionally when driving, 30% use their phones while driving on the highway, and 27 % use them during half or more of their trips. Studies have found that texting while driving causes a 400% increase in time spent with eyes off the road. At any given moment during daylight hours, 974,000 vehicles are being driven by someone while using a hand-held phone (NHTSA).

Research done with driving simulators, found that when talking on a cell phone:

- Young drivers' (those between 18 and 35), response times to brake lights ahead were as slow as those by elderly drivers.
- Drivers of all ages were 9% slower in hitting their brakes when needed
- Crash rates were more than 5 times greater than for undistracted drivers. That's an increase of over 500%!

DriversCheck reports that in the last 3 months, texting was reported on 96 of 662 calls, or 14.5%, making it the fourth most called in violation for the State of Georgia Government (behind speeding, failure to yield and unsafe lane change). Many other calls, however, hint at the use of phones or other distracting behaviors: drifting in and out of lanes, running off the edge of the road and changing lanes without signaling.

Georgia now has a hands-free law that took effect on July 1, 2018 prohibiting drivers from having a cellphone touch their body with some exceptions. Additionally, many State agencies already have cell phone policies, procedures, or guidelines in place restricting use of cell phones while driving. In addition, the Department of Defense restricts personnel from using cell phones or similar devices unless the vehicle is safely parked, or they are using a hands-free device (except for receiving or placing calls in performance of duties from tactical or emergency vehicles).

Recommendations:

It is a violation of Georgia state law for cell phones to be used while driving a vehicle with few exceptions. You must use a hands-free device. View the full law on the Georgia Highway Safety website.

Other recommendations include:

- Agencies should not depend on cell phones to communicate with their drivers. Communication can be accomplished through scheduled calls into the agency by the driver when the vehicle is parked, and the driver is outside the vehicle.
- Put your cell phone on silent so you are not tempted to answer or make a call. Let your voicemail take incoming calls, and then return your calls when you are stopped at a safe location.

If your business model requires cell phone communication, we recommend the following:

- Only use a hands-free device in the vehicle.
- Ask a passenger to place the call for you and, if possible, speak in your place.

Please see below articles supplied by Steve Brock at Ga. Forestry, the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration. (Interstate Truck, Bus Drivers banned from using handheld phones)

Interstate truck, bus drivers banned from using handheld phones
By CCJ Staff (Commercial Carrier Journal.htm)

Published November 23, 2011

The Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration on Wednesday, Nov. 23, issued their long-awaited joint final rule specifically prohibiting interstate commercial truck and bus drivers from using handheld cell phones while operating their vehicles.

Drivers who violate the restriction will face federal civil penalties of up to $2,750 for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally, states will suspend a driver's commercial driver's license after two or more serious traffic violations. Commercial truck and bus companies that allow their drivers to use handheld cell phones while driving will face a maximum penalty of $11,000.

The rule becomes effective 30 days after publication in the Federal Register. "When drivers of large trucks, buses and hazardous materials take their eyes off the road for even a few seconds, the outcome can be deadly," said U.S. Transportation Secretary Ray LaHood. "I hope that this rule will save lives by helping commercial drivers stay laser-focused on safety at all times while behind the wheel."

The U.S. Department of Transportation estimates that about four million commercial drivers will be affected by the final rule. "It's just too dangerous for drivers to use a handheld cell phone while operating a commercial vehicle," said FMCSA Administrator Anne Ferro. "Drivers must keep their eyes on the road, hands on the wheel and head in the game when operating on our roads. Lives are at stake."

FMCSA said that while driver distraction studies have produced mixed results, its own research has shown that using a handheld cell phone while driving requires a commercial driver to take several steps beyond what is required for using a

Hands-free mobile phone, including searching and reaching for the phone. Commercial drivers reaching for an object, such as a cell phone, are three times more likely to be involved in a crash or other safety-critical event, according to FMCSA, and dialing a hand-held cell phone makes it six times more likely that commercial drivers will be involved in a crash or other safety-critical event.