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H.133

Introduced by Representatives Smith of Derby, Arrison of Weathersfield,  
Bartholomew of Hartland, Bartley of Fairfax, Birong of  
Vergennes, Branagan of Georgia, Brennan of Colchester, Burke  
of Brattleboro, Christie of Hartford, Cina of Burlington,  
Clifford of Rutland City, Corcoran of Bennington, Demar of  
Enosburgh, Dickinson of St. Albans Town, Dolan of Waitsfield,  
Galfetti of Barre Town, Goslant of Northfield, Hango of  
Berkshire, Harrison of Chittenden, Higley of Lowell, Howard of  
Rutland City, Jerome of Brandon, Labor of Morgan, LaBounty  
of Lyndon, McFaun of Barre Town, Minier of South  
Burlington, Morgan of Milton, Morris of Springfield, Page of  
Newport City, Parsons of Newbury, Patt of Worcester, Peterson  
of Clarendon, Satcowitz of Randolph, Sibia of Dover, Taylor  
of Milton, Templeman of Brownington, Toof of St. Albans  
Town, Walker of Swanton, and Williams of Granby

Referred to Committee on

Date:

Subject: Motor vehicles; distracted driving; portable electronic devices; work  
zones; school zones; texting; civil penalties; point assessments

1 Statement of purpose of bill as introduced: This bill proposes to change the  
2 penalties and point assessments for violating laws governing the use of a  
3 portable electronic device, including for texting, while operating a moving  
4 motor vehicle on a highway.

5 An act relating to penalties and point assessments for using a portable  
6 electronic device while operating a moving motor vehicle

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 \* \* \* Use of Portable Electronic Devices \* \* \*

9 Sec. 1. 23 V.S.A. § 1095a is amended to read:

10 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
11 DEVICES

12 \* \* \*

13 (d)(1) An individual who violates this section commits a traffic violation as  
14 defined in section 2302 of this title and shall be subject to a civil penalty of not  
15 less than ~~\$100.00~~ \$25.00 and not more than ~~\$200.00~~ \$50.00 for a first  
16 violation, and of not less than ~~\$250.00~~ \$50.00 and not more than ~~\$500.00~~  
17 \$75.00 for a second or subsequent violation within any two-year period.

18 (2) An individual convicted of violating this section ~~while operating~~  
19 ~~within the following areas shall be subject to a civil penalty of not less than~~  
20 ~~\$200.00 and not more than \$400.00 for a first violation, and of not less than~~

1 ~~\$500.00 and not more than \$1,000.00 for a second or subsequent violation~~  
2 ~~within any two-year period and shall have four~~ five points assessed against his  
3 ~~or her~~ the individual's driving record ~~for a first violation and five points~~  
4 ~~assessed for a second or subsequent violation:~~

5 ~~(A) a properly designated work zone in which construction,~~  
6 ~~maintenance, or utility personnel are present; or~~

7 ~~(B) a school zone marked with warning signs conforming to the~~  
8 ~~Manual on Uniform Traffic Control Devices.~~

9 ~~(3) An individual convicted of violating this section outside the areas~~  
10 ~~designated in subdivision (2) of this subsection shall have two points assessed~~  
11 ~~against his or her driving record. [Repealed.]~~

12 Sec. 2. 23 V.S.A. § 1095b is amended to read:

13 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

14 PROHIBITED

15 \* \* \*

16 (c) Penalties.

17 (1) An individual who violates this section commits a traffic violation as  
18 defined in section 2302 of this title and shall be subject to a civil penalty of not  
19 ~~less than \$100.00 and not more than \$200.00~~ \$250.00 and shall have four  
20 points assessed against the individual's driving record for a first violation, and  
21 shall be subject to a civil penalty of not less than \$250.00 ~~and not more than~~

1 \$500.00 and shall have five points assessed against the individual's driving  
2 record for a second or subsequent violation within any two-year period.

3 (2) An individual convicted of violating this section while operating  
4 within the following areas shall be subject to ~~a~~ an additional civil penalty of  
5 ~~not less than \$200.00 and not more than \$400.00 for a first violation, and of~~  
6 ~~not less than \$500.00 and not more than \$1,000.00 for a second or subsequent~~  
7 ~~violation within any two-year period~~ \$250.00 and shall have ~~four~~ an additional  
8 five points assessed against ~~his or her~~ the individual's driving record ~~for a first~~  
9 ~~conviction and five points assessed for a second or subsequent conviction:~~

10 (A) a properly designated work zone in which construction,  
11 maintenance, or utility personnel are present; or

12 (B) a school zone marked with warning signs conforming to the  
13 Manual on Uniform Traffic Control Devices.

14 (3) ~~An individual convicted of violating this section outside the areas~~  
15 ~~designated in subdivision (2) of this subsection shall have two points assessed~~  
16 ~~against his or her driving record. [Repealed.]~~

17 \* \* \*

18 Sec. 3. 23 V.S.A. § 1099 is amended to read:

19 § 1099. TEXTING PROHIBITED

20 \* \* \*

1 (c)(1) An individual who violates this section commits a traffic violation as  
2 defined in section 2302 of this title and shall be subject to a civil penalty of not  
3 less than ~~\$100.00 and not more than \$200.00~~ \$250.00 and shall have four  
4 points assessed against the individual's driving record for a first violation, and  
5 shall be subject to a civil penalty of not less than ~~\$250.00 and not more than~~  
6 \$500.00 and shall have five points assessed against the individual's driving  
7 record for a second or subsequent violation within any two-year period.

8 (2) An individual convicted of violating this section while operating  
9 within the following areas shall be subject to ~~a~~ an additional civil penalty of  
10 ~~not less than \$200.00 and not more than \$400.00 for a first violation, and of~~  
11 ~~not less than \$500.00 and not more than \$1,000.00 for a second or subsequent~~  
12 ~~violation within any two-year period~~ \$250.00 and shall have ~~four~~ an additional  
13 five points assessed against ~~his or her~~ the individual's driving record ~~for a first~~  
14 ~~conviction and five points assessed for a second or subsequent conviction:~~

15 (A) a properly designated work zone in which construction,  
16 maintenance, or utility personnel are present; or

17 (B) a school zone marked with warning signs conforming to the  
18 Manual on Uniform Traffic Control Devices.

19 (3) ~~An individual convicted of violating this section outside the areas~~  
20 ~~designated in subdivision (2) of this subsection shall have two points assessed~~  
21 ~~against his or her driving record~~ Notwithstanding subsection 2502(b) of this

1 title, an individual who causes a crash resulting in property damage, injury, or  
2 death because the individual violated this section shall be subject to a civil  
3 penalty of not less than \$500.00 and shall have 10 points assessed against the  
4 individual's driving record.

5 Sec. 4. 23 V.S.A. § 4125 is amended to read:

6 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE  
7 VIOLATIONS

8 \* \* \*

9 (b) General prohibition on texting.

10 \* \* \*

11 (3) No ~~person~~ operator may be issued traffic complaints alleging a  
12 violation of this section and a violation of section 1099 of this title from the  
13 same incident.

14 \* \* \*

15 (e) Penalties.

16 (1) An operator who violates this section commits a traffic violation as  
17 defined in section 2302 of this title and shall be subject to a civil penalty of not  
18 less than \$500.00 and shall have five points assessed against the individual's  
19 driving record.

1           (2) An operator convicted of violating this section while operating  
2           within the following areas shall have an additional five points assessed against  
3           the individual's driving record:

4                   (A) a properly designated work zone in which construction,  
5                   maintenance, or utility personnel are present; or

6                   (B) a school zone marked with warning signs conforming to the  
7                   Manual on Uniform Traffic Control Devices.

8   \* \* \* Point Assessments \* \* \*

9           Sec. 5. 23 V.S.A. § 2502(a) is amended to read:

10           (a) Unless the assessment of points is waived by a Superior judge or a  
11           Judicial Bureau hearing officer in the interests of justice and in accordance  
12           with subsection 2501(b) of this title, ~~a person~~ an individual operating a motor  
13           vehicle shall have points assessed against ~~his or her~~ the individual's driving  
14           record for convictions for moving violations of the indicated motor vehicle  
15           statutes in accord with the following schedule: (All references are to this title  
16           of the Vermont Statutes Annotated.)

17           (1) Two points assessed for:

18   \* \* \*

19                   (LL)(i) § 1095.           Entertainment picture visible

20   to operator;

21                   (ii) ~~§ 1095a(d)(3).~~   ~~Junior operator use of~~

1 portable electronic device  
2 outside work or school zone;  
3 ~~(iii) — § 1095b(c)(3).~~ Use of portable electronic  
4 device outside work or school  
5 zone;  
6 (MM) ~~§ 1099(c)(3).~~ Texting outside work or  
7 school zone; [Repealed.]  
8 \* \* \*  
9 (3) Four points assessed for:  
10 \* \* \*  
11 (E) ~~§ 1095a(d)(2).~~ Junior operator use of  
12 portable electronic device in  
13 work or school zone — first  
14 offense;  
15 (F) ~~§ 1095b(c)(2)(1).~~ Use Handheld use of portable  
16 electronic device in outside work or  
17 school zone — first ~~offense~~ violation;  
18 (G)(F) ~~§ 1099(c)(2)(1).~~ Texting in outside work or school  
19 zone — first ~~offense~~ violation;  
20 (G) [Repealed.]



1 (4) Five points assessed for:

2 \* \* \*

3 (C) § 1099(c)(2)(1). Texting ~~in~~ outside work or school  
4 zone—second and subsequent ~~offense~~  
5 violations;

6 (D) § 1095a(d)(2). Junior operator use of portable  
7 electronic device ~~in work or school~~  
8 ~~zone—second and subsequent offenses~~;

9 (E) § 1095b(c)(2)(1). ~~Use~~ Handheld use of portable  
10 electronic device ~~in~~ outside work or  
11 school zone—second and subsequent  
12 ~~offenses~~ violations;

13 (F) § 4125(e)(1). Texting violations; handheld mobile  
14 telephone violations outside work or  
15 school zone;

16 (5) Nine points assessed for:

17 (A) § 1095b(c)(2). Handheld use of portable electronic  
18 device in work or school zone—  
19 first violation;

20 (B) § 1099(c)(2). Texting in work or school zone—  
21 first violation;



1 operator is mentally or physically unfit or, because of ~~his or her~~ the operator's  
2 habits or record as to crashes or convictions, is unsafe to be trusted with the  
3 operation of motor vehicles. On recommendation of a diversion or reparative  
4 board, the Commissioner may recall the learner's permit or junior operator's  
5 license of ~~a person~~ an individual in a diversion or reparative program for up to  
6 30 days. The Commissioner shall also recall any learner's permit or junior  
7 operator's license for 30 days when ~~an operator is adjudicated of a single~~  
8 ~~texting violation under section 1099 of this title, 90 days following~~  
9 ~~adjudication of a single speeding violation resulting in a three-point assessment~~  
10 a total of at least three points has been accumulated, 90 days when a total of at  
11 least six points has been accumulated, or 90 days when an operator is  
12 adjudicated of a violation of subsection 614(c) or 615(a) of this title. When a  
13 learner's permit or junior operator's license is so recalled, it shall be reinstated  
14 upon expiration of a specific term and, if required by the Commissioner, when  
15 the ~~person~~ individual has passed a reexamination approved by the  
16 Commissioner.

17 \* \* \* Effective Date \* \* \*

18 Sec. 7. EFFECTIVE DATE

19 This act shall take effect on July 1, 2023.