1	H.493				
2	Introduced by Representatives Grad of Moretown, Donaghy of Poultney,				
3	Jewett of Ripton, Marek of Newfane, Minter of Waterbury,				
4	Pellett of Chester and Potter of Clarendon				
5	Referred to Committee on				
6	Date:				
7	Subject: Motor vehicles; snowmobiles; all-terrain vehicles; motorboats; texting				
8	prohibition				
9	Statement of purpose: This bill proposes to prohibit all persons operating a				
10	motor vehicle and all other modes of transportation regulated in the motor				
11	vehicle and motorboat statutes from texting on a cellular telephone or other				
12	electronic device.				
13	An act relating to texting and safe driving practices				
14	It is hereby enacted by the General Assembly of the State of Vermont:				
15	Sec. 1. 23 V.S.A. § 1095a is added to read:				
16	§ 1095a. TEXTING PROHIBITED				
17	(a) For purposes of this section, "texting" is the sending or reading of data				
18	on a cellular telephone or other electronic device.				
19	(b) A person operating a motor vehicle, electric personal mobility device,				
20	or farm tractor on the traveled portion of a highway; or operating a				

1	snowmobile, all-terrain vehicle (as defined in section 3501 of this title), or				
2	all-surface vehicle on or off a highway; or operating a motorboat (as defined in				
3	section 3302 of this title) shall not engage in texting with a cellular telephone				
4	or with any other electronic device.				
5	(c) A person who violates this section commits a civil violation and shall				
6	be subject to a civil penalty of \$100.00 for a first offense and \$250.00 for a				
7	second offense and subsequent offenses.				
8	Sec. 2. 23 V.S.A. § 2502 is amended to read:				
9	§ 2502. POINT ASSESSMENT; SCHEDULE				
10	(a) Any person operating a motor vehicle shall have points assessed against				
11	his or her driving record for convictions for moving violations of the indicated				
12	motor vehicle statutes in accord with the following schedule: (All references				
13	are to Title 23 of the Vermont Statutes Annotated.)				
14	(1) Two point	s assessed for	:		
15			* * *		
16	(LL)	§ 1095.	Operating with television set installed;		
17	<u>(MM)</u>	<u>§ 1095a.</u>	Texting-first offense;		
18	(MM)(NN)	§ 1113.	Illegal backing;		
19	(NN)(OO)	§ 1114.	Illegal riding on motorcycles;		
20	(OO) (<u>PP)</u>	§ 1115.	Illegal operation of motorcycles on		
21			roadways laned for traffic;		

1	(PP)(QQ)	§ 1116.	Clinging to other vehicles;
2	(QQ)(RR)	§ 1117.	Illegal footrests and handlebars;
3	(RR)(SS)	§ 1118.	Obstructing the driver's view;
4	(SS)(TT)	§ 1119.	Improper opening and closing vehicle
5			doors;
6	(TT) (<u>UU)</u>	§ 1121.	Coasting prohibited;
7	(UU)(VV)	§ 1122.	Following fire apparatus prohibited;
8	(VV) (<u>WW)</u>	§ 1123.	Driving over fire hose;
9	(WW) (XX)	§ 1124.	Position of operator;
10	(XX)(YY)	§ 1127.	Unsafe control in presence of horses and
11			cattle;
12	(YY) (<u>ZZ)</u>	§ 1131.	Failure to give warning signal;
13	(ZZ)(AAA)	§ 1132.	Illegal driving on sidewalk;
14	(AAA)(BBB)	§ 1243.	Lighting requirements;
15	(BBB)(CCC)	§ 1256.	Motorcycle headgear;
16	(CCC)(DDD)	§ 1257.	Face protection;
17	(DDD)(EEE)	§ 800.	Operating without financial
18			responsibility;
19	(EEE)(FFF)		All other moving violations which have
20			no specified points;
21			* * *

1	(4) Five points assessed for:			
2	(A)	§ 1050.	Failure to yield to emergency vehicles;	
3	(B)	§ 1075.	Illegal passing of school bus;	
4	<u>(C)</u>	<u>§ 1095a.</u>	Texting-second and	
5			subsequent offenses;	
6	(<u>C)(D)</u>	§ 676.	Operating after suspension, revocation, or	
7			refusal - civil violation;	
8			* * *	