

1 H.17

2 Introduced by Representatives Malcolm of Pawlet, McCarthy of St. Albans

3 City, Potter of Clarendon, and Russell of Rutland City

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; texting while driving; penalties

7 Statement of purpose: This bill proposes to raise the penalties for texting while
8 operating a moving motor vehicle from a \$100.00 fine and an assessment of
9 two points to a fine of not less than \$250.00 and an assessment of three points
10 for a first offense, and from a fine of \$250.00 to a fine of not less than \$500.00
11 for a second or subsequent offense.

12 An act relating to raising the penalties for texting while driving

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

14 Sec. 1. 23 V.S.A. § 1099 is amended to read:

15 § 1099. TEXTING WHILE DRIVING PROHIBITED

16 (a) As used in this section, “texting” means the reading or the manual
17 composing or sending of electronic communications, including text messages,
18 instant messages, or e-mails, using a portable electronic device as defined in
19 subdivision 4(82) of this title, but shall not be construed to include use of a
20 global positioning or navigation system.

1 (b) A person shall not engage in texting while operating a moving motor
2 vehicle on a highway.

3 (c) A person who violates this section commits a traffic violation as defined
4 in section 2302 of this title and shall be subject to a penalty of ~~\$100.00~~ not less
5 than \$250.00 upon adjudication of a first violation and ~~\$250.00~~ of not less than
6 \$500.00 upon adjudication of a second or subsequent violation within any
7 two-year period.

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 points assessed for:

15 * * *

16 (LL) § 1095. ~~Operating with television set installed~~

17 Entertainment picture visible to the operator;

18 (MM) ~~§ 1099. Texting prohibited—first offense; [Deleted.]~~

19 * * *

1 (2) Three points assessed for:

2 * * *

3 (G) § 1099. Texting while driving prohibited—first offense;

4 * * *

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2013.