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H.62

Introduced by Representatives O'Brien of Richmond, Christie of Hartford,  
Heath of Westford, Keenan of St. Albans City, Manwaring of  
Wilmington, Pearce of Richford, Ram of Burlington, Till of  
Jericho, Toll of Danville, Waite-Simpson of Essex, Winters of  
Williamstown, and Wizowaty of Burlington

Referred to Committee on

Date:

Subject: Motor vehicles; portable electronic devices; handheld use; prohibition

Statement of purpose of bill as introduced: This bill proposes to prohibit the  
handheld use of a portable electronic device to engage in voice  
communications while operating a moving motor vehicle, and to prohibit the  
operation of a motor vehicle while wearing earphones over, or earplugs in,  
both ears.

An act relating to prohibiting the handheld use of a portable electronic  
device while driving

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

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

2 § 1095a. ~~JUNIOR OPERATOR~~ USE OF PORTABLE ELECTRONIC  
3 DEVICES

4 (a) Definition. As used in this section, “hands-free use” means the use of a  
5 portable electronic device without either hand and outside the immediate  
6 proximity of the user’s ear, by employing an internal function of, or an  
7 attachment to, the device.

8 (b) Adult handheld use prohibited; exceptions. Except as provided in this  
9 subsection, a person 18 years of age or older shall not use a portable electronic  
10 device to engage in voice communications or retrieve messages while  
11 operating a moving motor vehicle on a highway unless the person engages in  
12 hands-free use. However, this prohibition shall not apply to an emergency 911  
13 call placed under emergency circumstances. An operator shall not engage in  
14 hands-free use that violates section 1095b of this title.

15 (c) Junior operator use prohibited. A person under 18 years of age shall not  
16 use any portable electronic device as defined in subdivision 4(82) of this title  
17 while operating a moving motor vehicle on a highway. This prohibition shall  
18 not apply if it is necessary to place an emergency 911 call.

1       Sec. 2. 23 V.S.A. § 1095b is added to read:

2       § 1095b. OPERATING WHILE WEARING EARPHONES OR EARPLUGS

3                 PROHIBITED

4                 (a) Definition. As used in this section, “earphones” means any headset,  
5       headphones, or other similar device capable of transmitting sound and that  
6       covers all or a portion of both ears. “Earphones” does not include speakers or  
7       other listening devices that are built into protective headgear.

8                 (b) Prohibition. A person shall not operate a motor vehicle while wearing  
9       earphones over, or earplugs in, both ears.

10                (c) Construction. This section shall not be construed to prohibit the use of  
11       hearing aids.

12       Sec. 3. EDUCATIONAL CAMPAIGN

13                The Commissioner of Motor Vehicles, in consultation with the Secretary of  
14       Education, shall conduct an education campaign regarding the provisions of  
15       this act.

16       Sec. 4. EFFECTIVE DATE

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