

1 H.161

2 Introduced by Representatives Botzow of Pownal, Corcoran of Bennington,

3 Haas of Rochester, Lanpher of Vergennes, Marcotte of

4 Coventry, Partridge of Windham, and Shaw of Derby

5 Referred to Committee on

6 Date:

7 Subject: Motor vehicles; portable electronic device; work zone; prohibition

8 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
9 handheld use of a portable electronic device while operating a moving motor  
10 vehicle in a work zone.

11 An act relating to prohibiting the use of portable electronic devices in work  
12 zones

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

14 Sec. 1. 23 V.S.A. § 4(5) is amended to read:

15 (5) “Construction area” ~~shall mean and include~~ or “work zone” or “work  
16 site” means all of that portion of a highway while under construction,  
17 maintenance, or utility work activities by order or with the permission of the  
18 ~~state~~ State or a municipality ~~thereof~~, located within properly posted orange  
19 warning signs maintained at each end thereof ~~showing such area to have been~~  
20 ~~designated as a “Construction Area”.~~

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

2 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE IN  
3 WORK ZONE PROHIBITED

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

8 (b) Use of handheld portable electronic device in work zone prohibited. A  
9 person shall not use a portable electronic device while operating a moving  
10 motor vehicle within a highway work zone while construction, maintenance, or  
11 utility work is actively under way. This prohibition shall not apply to  
12 hands-free use.

13 (c) Penalty. A person who violates this section commits a traffic violation  
14 and shall be subject to a penalty of not less than \$100.00 upon adjudication of  
15 a first violation and of not less than \$250.00 upon adjudication of a second or  
16 subsequent violation within any two-year period.

17 Sec. 2. 23 V.S.A. § 2502 is amended to read:

18 § 2502. POINT ASSESSMENT; SCHEDULE

19 (a) Any person operating a motor vehicle shall have points assessed against  
20 his or her driving record for convictions for moving violations of the indicated

1 motor vehicle statutes in accord with the following schedule: (All references  
2 are to Title 23 of the Vermont Statutes Annotated.)

3 (1) Two points assessed for:

4 \* \* \*

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

6 Entertainment picture visible to operator;

7 (ii) § 1095b. Use of portable electronic device in work zone—

8 first offense;

9 (MM) § 1099. Texting prohibited—first offense;

10 \* \* \*

11 (4) Five points assessed for:

12 \* \* \*

13 (C)(i) § 1095b. Use of portable electronic device in work zone—

14 second and subsequent offenses;

15 (ii) § 1099. Texting prohibited—second and subsequent

16 offenses;

17 \* \* \*

18 Sec. 3. EFFECTIVE DATE

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