

H.187

Introduced by Representatives Potter of Clarendon, Bissonnette of Winooski,
Gallivan of Chittenden, Grad of Moretown, Head of South
Burlington, Lanpher of Vergennes, Malcolm of Pawlet, and
Russell of Rutland City

Referred to Committee on

Date:

Subject: Motor vehicles; portable electronic devices; seat belt requirements;
primary enforcement

Statement of purpose of bill as introduced: This bill proposes to prohibit the
use of a portable electronic device while operating a moving motor vehicle and
to authorize primary enforcement of the seat belt law for adults.

An act relating to the use of portable electronic devices while driving and
primary seat belt enforcement

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

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

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

A person ~~under 18 years of age~~ shall not use any portable electronic device
as defined in subdivision 4(82) of this title while operating a moving motor

1 vehicle on a highway. This prohibition shall not apply if it is necessary to
2 place an emergency 911 call.

3 Sec. 2. 23 V.S.A. § 1099 is amended to read:

4 § 1099. TEXTING PROHIBITED

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

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

12 (c) A person who violates this section commits a traffic violation as defined
13 in section 2302 of this title and shall be subject to a penalty of \$100.00 upon
14 adjudication of a first violation and \$250.00 upon adjudication of a second or
15 subsequent violation within any two-year period. A person shall not be subject
16 to a penalty under both this section and section 1095a of this title arising from
17 the same occurrence.

2 § 1259. SAFETY BELTS; PERSONS AGE 18 AND OVER

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another traffic offense. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary offense. [Repealed.]~~

10 Sec. 4. EFFECTIVE DATE

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