

1 S.33

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; portable electronic devices; adults; handheld use;
6 prohibition

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 handheld use of a portable electronic device by an adult operating a motor
9 vehicle, subject to certain exceptions.

10 An act relating to prohibiting handheld use of portable electronic devices

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

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

13 § 1095a. ~~JUNIOR OPERATOR~~ USE OF PORTABLE ELECTRONIC
14 DEVICES

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

19 (b) Adult handheld use prohibited. Except as authorized in this section, a
20 person 18 years of age or older shall not use a portable electronic device to

1 engage in voice communications or access voice mail while operating a
2 moving motor vehicle on a highway, unless the person engages in hands-free
3 use. This prohibition shall not apply to handheld use of a portable electronic
4 device:

5 (1) to activate or deactivate a hands-free communication;

6 (2) to place an emergency 911 call under emergency circumstances; or

7 (3) by the following persons while performing their official duties:

8 (A) law enforcement officers;

9 (B) firefighters; or

10 (C) operators of authorized emergency vehicles as defined in
11 section 4 of this title.

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

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

1 Sec. 3. EDUCATIONAL CAMPAIGN

2 The Commissioner of Motor Vehicles, in consultation with the Secretary of
3 Education, shall formulate a plan to educate operators regarding the
4 prohibitions and penalties set forth in this act.

5 Sec. 4. EFFECTIVE DATE

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