

1 S.212

2 Introduced by Senators Baruth, MacDonald, and McCormack

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; use of portable electronic devices

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
7 handheld use of a portable electronic device while operating a motor vehicle  
8 on a highway in Vermont.

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

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

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

13 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE ~~IN~~  
14 ~~WORK ZONE~~ PROHIBITED

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 feature of, or an  
18 attachment to, the device.

19 (b) Use of handheld portable electronic device ~~in work zone~~ prohibited. A  
20 person shall not use a portable electronic device while operating a moving

1 motor vehicle ~~within~~ on a highway ~~work zone~~ in this State. The prohibition of  
2 this subsection shall not apply ~~unless the work zone is properly designated~~  
3 ~~with warning devices in accordance with subdivision 4(5) of this title, and shall~~  
4 ~~not apply:~~

5 (1) to hands-free use;

6 (2) to use of a global positioning or navigation system; or

7 ~~(2)(3)~~ (3) when use of a portable electronic device is necessary to  
8 communicate with law enforcement or emergency service personnel under  
9 emergency circumstances.

10 (c) Penalty. A person who violates this section commits a traffic violation  
11 and shall be subject to a penalty of not less than \$100.00 and not more than  
12 \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00  
13 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent  
14 violation within any two-year period.

15 (d) Penalties for same conduct. A person shall not be issued more than one  
16 complaint for violations of this section, section 1095a of this title (junior  
17 operator use of portable electronic devices), and section 1099 of this title  
18 (texting prohibited), or a combination of these, that arise from the  
19 same conduct.

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

2 § 2502. POINT ASSESSMENT; SCHEDULE

3 (a) Any person operating a motor vehicle shall have points assessed against  
4 his or her driving record for convictions for moving violations of the indicated  
5 motor vehicle statutes in accord with the following schedule: (All references  
6 are to Title 23 of the Vermont Statutes Annotated.)

7 (1) Two points assessed for:

8 \* \* \*

9 (LL)(i) § 1095. Entertainment picture visible to operator;

10 (ii) § 1095b. Use of portable electronic device ~~in-work~~  
11 ~~zone~~—first offense;

12 \* \* \*

13 (4) Five points assessed for:

14 \* \* \*

15 (D) § 1095b. Use of portable electronic device ~~in-work~~

16 ~~zone~~—second and subsequent offenses;

17 \* \* \*

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.