

1 S.280

2 Introduced by Committee on Transportation

3 Date: January ;29, 2010

4 Subject: Motor vehicles; texting; prohibition

5 Statement of purpose: This bill proposes to prohibit texting while operating a
6 moving motor vehicle on a highway and to direct the commissioner of motor
7 vehicles to formulate a plan to educate operators as to the dangers of and
8 penalties associated with operating while texting.

An act relating to prohibiting texting, prohibiting use of portable electronic devices by junior operators, and primary seatbelt enforcement for persons under 18.

9 ~~An act relating to prohibiting texting while operating on a highway~~

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

11 ~~Sec. 1. 23 V.S.A. § 1099 is added to read:~~

12 ~~§ 1099. TEXTING PROHIBITED~~

13 ~~(a) As used in this section, “texting” means the composing, reading, or~~
14 ~~sending of electronic communications including text messages, instant~~
15 ~~messages, or e-mails using a portable electronic device. As used in this~~
16 ~~section, “portable electronic device” means a portable electronic or computing~~
17 ~~device including a cellular telephone, personal digital assistant (PDA), or~~
18 ~~laptop computer.~~

19 ~~(b) A person shall not engage in texting while operating a moving motor~~
20 ~~vehicle on a highway.~~

1 ~~(c) A person who violates this section commits a traffic violation as defined~~
2 ~~in section 2302 of this title and shall be subject to a penalty of \$100.00 for a~~
3 ~~first conviction.~~ *upon adjudication of a first violation* and \$250.00
4 ~~for a second or subsequent conviction.~~ *upon adjudication of a second or*
5 *subsequent violation* within any two-year period.

6 Sec. 2. 23 V.S.A. § 607a is amended to read:

7 § 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S
8 LICENSE

9 (a) A learner's permit or junior operator's license shall contain an
10 admonition that it is recallable and that the later procurement of an operator's
11 license is conditional on the establishment of a record which is satisfactory to
12 the commissioner and showing compliance with the motor vehicle laws of this
13 and other states. The commissioner may recall any license issued to a minor
14 whenever he or she is satisfied, from information provided by a credible person
15 and upon investigation, that the operator is mentally or physically unfit or,
16 because of his or her habits or record as to accidents or convictions, is unsafe
17 to be trusted with the operation of motor vehicles. On recommendation of a
18 diversion or reparative board, the commissioner may recall the learner's permit
19 or junior operator's license of a person in a diversion or reparative program for
20 up to 30 days. ~~The commissioner shall also recall any learner's permit or~~
21 ~~junior operator's license for 30 days when an operator is convicted of a single~~

~~texting violation under section 1099 of this title, 90 days following a single
speeding violation resulting in a three point assessment or, 90 days when a
total of six points has been accumulated, or 90 days when an operator is
convicted for a violation of section 678 of this title. *The commissioner shall
also recall any learner's permit or junior operator's license for 30 days when
an operator is adjudicated of a single texting violation under section 1099 of
this title, 90 days following adjudication of a single speeding violation
resulting in a three-point assessment or, 90 days when a total of six points has
been accumulated, or 90 days when an operator is convicted for adjudicated of
a violation of section 678 of this title.* When a learner's permit or junior
operator's license is so recalled, it shall be reinstated upon expiration of a
specific term, and, if required by the commissioner, when the person has
passed a reexamination approved by the commissioner.~~

* * *

Sec. 3. 23 V.S.A. § 2502 are amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

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

(1) Two points assessed for:

1			
2	(LL)	§ 1095.	Operating with television set installed;
3	(MM)	§ 1099.	Texting prohibited—first offense;
4	(MM)(NN)	§ 1113.	Illegal backing;
5	(NN)(OO)	§ 1114.	Illegal riding on motorcycles;
6	(OO)(PP)	§ 1115.	Illegal operation of motorcycles on
7			roadways laned for traffic;
8	(PP)(QQ)	§ 1116.	Clinging to other vehicles;
9	(QQ)(RR)	§ 1117.	Illegal footrests and handlebars;
10	(RR)(SS)	§ 1118.	Obstructing the driver's view;
11	(SS)(TT)	§ 1119.	Improper opening and closing vehicle
12			doors;
13	(TT)(UU)	§ 1121.	Coasting prohibited;
14	(UU)(VV)	§ 1122.	Following fire apparatus prohibited;
15	(VV)(WW)	§ 1123.	Driving over fire hose;
16	(WW)(XX)	§ 1124.	Position of operator;
17	(XX)(YY)	§ 1127.	Unsafe control in presence of horses and
18			cattle;
19	(YY)(ZZ)	§ 1131.	Failure to give warning signal;
20	(ZZ)(AAA)	§ 1132.	Illegal driving on sidewalk;
21	(AAA)(BBB)	§ 1243.	Lighting requirements;

1 ~~(BBB)(CCC) § 1256. Motorcycle headgear;~~

2 ~~(CCC)(DDD) § 1257. Face protection;~~

3 ~~(DDD)(EEE) § 800. Operating without financial~~
4 ~~responsibility;~~

5 ~~(EEE)(FFF)~~ All other moving violations which have
6 no specified points;

7 * * *

8 (4) Five points assessed for:

9 (A) § 1050. Failure to yield to emergency vehicles;

10 (B) § 1075. Illegal passing of school bus;

11 (C) § 1099. Texting prohibited—second and
12 subsequent offenses;

13 ~~(C)(D)~~ § 676. Operating after suspension, revocation or
14 refusal—civil violation;

15 * * *

16 Sec. 4. EDUCATIONAL CAMPAIGN

17 The commissioner of motor vehicles shall formulate a plan to educate
18 operators as to the dangers of operating while texting and the penalties that
19 may be imposed pursuant to this act.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.

** * * Definition * * **

Sec. 1. 23 V.S.A. § 4(81) is added to read:

(81) “Portable electronic device” means a portable electronic or computing device including a cellular telephone, personal digital assistant (PDA), or laptop computer.

** * * Texting Ban * * **

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

§ 1099. TEXTING PROHIBITED

(a) As used in this section, “texting” means the reading or the manual composing or sending of electronic communications including text messages, instant messages, or e-mails using a portable electronic device as defined in subdivision 4(81) of this title, but shall not be construed to include use of a global positioning or navigation system.

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

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of \$100.00 upon adjudication of a first violation and \$250.00 upon adjudication of a second or subsequent violation within any two-year period.

Sec. 3. 23 V.S.A. § 607a is amended to read:

§ 607a. RECALL OF LEARNER’S PERMIT OR JUNIOR OPERATOR’S LICENSE

(a) A learner’s permit or junior operator’s license shall contain an admonition that it is recallable and that the later procurement of an operator’s license is conditional on the establishment of a record which is satisfactory to the commissioner and showing compliance with the motor vehicle laws of this and other states. The commissioner may recall any license issued to a minor whenever he or she is satisfied, from information provided by a credible person and upon investigation, that the operator is mentally or physically unfit or, because of his or her habits or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. On recommendation of a diversion or reparative board, the commissioner may recall the learner’s permit or junior operator’s license of a person in a diversion or reparative program for up to 30 days. The commissioner shall also recall any learner’s permit or junior operator’s license for 30 days when an operator is adjudicated of a single texting violation under section 1099 of this title, 90 days following adjudication of a single speeding violation resulting in a three-point assessment ~~or, 90 days~~ when a total of six points has been accumulated,

or 90 days when an operator is ~~convicted for~~ adjudicated of a violation of section 678 of this title. When a learner's permit or junior operator's license is so recalled, it shall be reinstated upon expiration of a specific term, and, if required by the commissioner, when the person has passed a reexamination approved by the commissioner.

* * *

Sec. 4. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

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

(1) Two points assessed for:

* * *

<i>(LL) § 1095.</i>	<i>Operating with television set installed;</i>
<i>(MM) § 1099.</i>	<i><u>Texting prohibited—first offense;</u></i>
<i>(MM)(NN)§ 1113.</i>	<i>Illegal backing;</i>
<i>(NN)(OO) § 1114.</i>	<i>Illegal riding on motorcycles;</i>
<i>(OO)(PP) § 1115.</i>	<i>Illegal operation of motorcycles on roadways laned for traffic;</i>
<i>(PP)(QQ) § 1116.</i>	<i>Clinging to other vehicles;</i>
<i>(QQ)(RR) § 1117.</i>	<i>Illegal footrests and handlebars;</i>
<i>(RR)(SS) § 1118.</i>	<i>Obstructing the driver's view;</i>
<i>(SS)(TT) § 1119.</i>	<i>Improper opening and closing vehicle doors;</i>
<i>(TT)(UU) § 1121.</i>	<i>Coasting prohibited;</i>
<i>(UU)(VV) § 1122.</i>	<i>Following fire apparatus prohibited;</i>
<i>(VV)(WW) § 1123.</i>	<i>Driving over fire hose;</i>
<i>(WW)(XX) § 1124.</i>	<i>Position of operator;</i>
<i>(XX)(YY) § 1127.</i>	<i>Unsafe control in presence of horses and cattle;</i>
<i>(YY)(ZZ) § 1131.</i>	<i>Failure to give warning signal;</i>
<i>(ZZ)(AAA)§ 1132.</i>	<i>Illegal driving on sidewalk;</i>

- ~~(AAA)~~(BBB) § 1243. *Lighting requirements;*
~~(BBB)~~(CCC) § 1256. *Motorcycle headgear;*
~~(CCC)~~(DDD) § 1257. *Face protection;*
~~(DDD)~~(EEE) § 800. *Operating without financial
responsibility;*
~~(EEE)~~(FFF) *All other moving violations which have
no specified points;*

* * *

(4) *Five points assessed for:*

- (A) § 1050. *Failure to yield to emergency vehicles;*
(B) § 1075. *Illegal passing of school bus;*
(C) § 1099. *Texting prohibited—second and
subsequent offenses;*
~~(C)~~(D) § 676. *Operating after suspension, revocation
or refusal—civil violation;*

* * *

Sec. 5. EDUCATIONAL CAMPAIGN

The commissioner of motor vehicles, in consultation with the commissioner of education, shall formulate a plan to educate operators as to the dangers of operating while texting and the penalties that may be imposed pursuant to sections 2–4 of this act.

** * * Primary Seatbelt Enforcement; Persons Under Age 18 * * **

Sec. 6. 23 V.S.A. § 1258 is amended to read:

§ 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE ~~16~~ 18

(a) No person shall operate a motor vehicle, other than a type I school bus, in this state upon a public highway unless every occupant under age ~~16~~ 18 is properly restrained in a federally-approved child passenger restraining system as defined in 49 C.F.R. § 571.213 (1993) or a federally-approved safety belt, as follows:

(1) all children under the age of one, and all children weighing less than 20 pounds, regardless of age, shall be restrained in a rear-facing position, properly secured in a federally-approved child passenger restraining system, which shall not be installed in front of an active air bag;

(2) a child weighing more than 20 pounds, and who is one year of age or older and under the age of eight years, shall be restrained in a child passenger restraining system; and

(3) a child eight through ~~15~~ 17 years of age shall be restrained in a safety belt system or a child passenger restraining system.

** * **

Sec. 7. 23 V.S.A. § 1259 is amended to read:

§ 1259. SAFETY BELTS; PERSONS AGE ~~16~~ 18 AND OVER

(a) The operator of a motor vehicle shall be guilty of a violation of this section if any person ~~required to be restrained under this section~~ 18 years of age and older is occupying a seating position which has been manufactured with a federally-approved safety belt system and is not restrained by the safety belt system while the motor vehicle is in motion on a public highway.

** * **

(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.

** * **

** * * Ban on Use of Portable Electronic Devices; Junior Operators * * **

Sec. 8. 23 V.S.A. § 1095a is added 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(81) of this title while operating a moving motor vehicle on a highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

** * * Effective Date * * **

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.