

H.147

Introduced by Representatives Grad of Moretown, Potter of Clarendon,
Donaghy of Poultney, Heath of Westford, Jewett of Ripton,
Keenan of St. Albans City, Koch of Barre Town, Lippert of
Hinesburg, Manwaring of Wilmington, Marek of Newfane,
Martin of Springfield, McDonald of Berlin, Minter of
Waterbury, Pellett of Chester, Pugh of S. Burlington and
Sweaney of Windsor

Referred to Committee on

Date:

Subject: Motor vehicles; junior operator's license; learner's permit; cellular
telephones; handheld electronic device

Statement of purpose: This bill proposes to:

(1) Provide that operation of a motor vehicle with a license that has been
recalled by the commissioner of motor vehicles is a civil violation.

(2) Prohibit an operator with a junior operator's license from operating a
motor vehicle between 1:00 a.m. and 5:00 a.m., with exceptions.

(3) Prohibit an operator with a learner's permit or junior operator's license
from using a wireless telephone or handheld electronic device while operating
a motor vehicle on the traveled portion of a highway.

1 (4) Provide for hands-free use of a wireless telephone or electronic
2 communication device by an operator while operating a motor vehicle on the
3 traveled portion of a highway.

4 (5) Provide for primary enforcement of the safety belt law.

5 An act relating to the operation of a motor vehicle by junior operators and
6 primary safety belt enforcement

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

8 Sec. 1. TITLE OF THE ACT

9 This act shall be known as and may be cited as the “Highway Traffic Safety
10 Act of 2009.”

11 * * * Operation After Recall Is a Civil Violation * * *

12 Sec. 2. 23 V.S.A. § 676 is amended to read:

13 § 676. OPERATION AFTER SUSPENSION, REVOCATION, ~~OR~~

14 REFUSAL, OR RECALL - CIVIL VIOLATION

15 (a) A person whose license or privilege to operate a motor vehicle has been
16 revoked, suspended ~~or~~, refused, or recalled by the commissioner of motor
17 vehicles for any reason other than a violation of sections 1091(b), 1094(b),
18 1128(b) or (c), or 1201 or a suspension under section 1205 of this title and who
19 operates or attempts to operate a motor vehicle upon a public highway before

1 the license or privilege of the person to operate a motor vehicle has been
2 reinstated by the commissioner commits a civil traffic violation.

3 (b) In establishing a prima facie case against a person accused of violating
4 this section, the judicial bureau shall accept as evidence, a printout attested to
5 by the law enforcement officer as the person's motor vehicle record showing
6 convictions and resulting license suspensions. The admitted motor vehicle
7 record shall establish a permissive inference that the person was under
8 suspension or had his or her license revoked or recalled on the dates and time
9 periods set forth in the record. The judicial bureau shall not require a certified
10 copy of the person's motor vehicle record from the department of motor
11 vehicles to establish the permissive inference.

12 * * * Junior Operator Night-Time Restriction * * *

13 Sec. 3. 23 V.S.A. § 614(c) and (d) are added to read:

14 (c) A person operating with a junior operator's license shall not operate a
15 motor vehicle between 1:00 a.m. and 5:00 a.m., except when carrying the
16 signed and dated written permission of a parent or guardian that contains the
17 parent's or guardian's contact information, including a home and work address
18 and phone numbers, or except when:

19 (1) traveling on a direct route between work and home;

20 (2) traveling for a school-related activity; or

1 (3) going to or returning from hunting or fishing, provided the operator
2 has in his or her possession hunting or fishing equipment and a valid hunting
3 or fishing license.

4 (d) A person in violation of subsection (c) of this section shall be allowed
5 to drive his or her vehicle on a direct route home, following issuance of a
6 traffic ticket by a law enforcement officer.

7 * * * Safety Restriction on the Use of Cellular Telephones and Handheld
8 Electronic Devices by Junior Operators * * *

9 Sec. 4. 23 V.S.A. § 1095a is added to read:

10 § 1095a. WIRELESS TELEPHONE USE; HANDHELD ELECTRONIC
11 DEVICES; LEARNERS AND JUNIOR OPERATORS

12 A person operating a motor vehicle with a learner's permit under the
13 provisions of section 617 of this title or with a junior operator's license under
14 the provisions of section 607 of this title shall not use any wireless telephone
15 or handheld electronic device while operating on the traveled portion of the
16 highway. This prohibition shall not apply if it is necessary to place an
17 emergency 911 call.

* * * Use of Cellular Telephones and other Electronic Devices by a Person

Operating a Vehicle with an Operator's License * * *

Sec. 5. 23 V.S.A. § 1095b is added to read:

§ 1095b. USE OF HANDS-FREE WIRELESS TELEPHONES AND
ELECTRONIC DEVICES BY A PERSON WITH AN
OPERATOR'S LICENSE

(a) A person operating a motor vehicle with a valid operator's license shall
be restricted to using only a hands-free wireless telephone or hands-free
electronic communication device while operating on the traveled portion of the
highway. This prohibition shall not apply if it is necessary to place an
emergency 911 call.

(b) As used in this section, "hands-free" means a mobile telephone or
electronic communication device that has an internal feature or function, or
that is equipped with an attachment or addition, whether or not permanently
part of the mobile telephone or electronic communication device, by which a
user engages in a conversation without the use of either hand; provided,
however, this definition shall not preclude the use of either hand to activate,
deactivate, or initiate a function of the telephone or device.

1 * * * Primary Enforcement of Safety Belt Law; Federal Funds * * *

2 Sec. 6. REPEAL; ACCEPTANCE OF FEDERAL FUNDS

3 (a) 23 V.S.A. § 1259(e) (secondary enforcement of safety belt law) is
4 repealed.

5 (b) The state is authorized to accept any additional funding available from
6 the federal government attributable to the passage of this section.

7 Sec. 7. EFFECTIVE DATE

8 This act shall take effect from passage.