

1 S.220

2 Representative Johnson of Canaan moves that the bill be amended by  
3 adding four new sections to be Secs. 20g–20j to read:

4 Sec. 20g. 23 V.S.A. § 4(82) is amended to read:

5 (82) “Portable electronic device” means a portable electronic or  
6 computing device, including a cellular telephone, personal digital assistant  
7 (PDA), or laptop computer. “Portable electronic device” does not include a  
8 two-way or Citizens Band radio, or equipment used by a licensed Amateur  
9 Radio operator in accordance with 47 C.F.R. part 97.

10 Sec. 20h. 23 V.S.A. § 1095b is amended to read:

11 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE ~~IN~~

12 ~~WORK ZONE~~ PROHIBITED

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

17 (b) Use of handheld portable electronic device ~~in work zone~~ prohibited.

18 A person shall not use a portable electronic device while operating a moving  
19 motor vehicle ~~within~~ on a highway ~~work zone~~ in this State. The prohibition of  
20 this subsection shall not apply ~~unless the work zone is properly designated~~

1 ~~with warning devices in accordance with subdivision 4(5) of this title, and shall~~  
2 ~~not apply:~~

3 (1) to hands-free use; ~~or~~

4 (2) to activation or deactivation of hands-free use as long as the device  
5 is in a cradle or otherwise securely mounted in the vehicle;

6 ~~(2)(3)~~ when use of a portable electronic device is necessary for a person  
7 to communicate with law enforcement or emergency service personnel under  
8 emergency circumstances;

9 (4) to communications of law enforcement or emergency service  
10 personnel in the performance of their official duties;

11 (5) to use of an ignition interlock device, as defined in section 1200 of  
12 this title; or

13 (6) to use of a portable electronic device by an operator of a registered  
14 farm truck or a farm truck or farm tractor not required to be registered, if:

15 (A) the farm truck or farm tractor is being used in connection with  
16 the operation of a farm; and

17 (B) the device is used to receive a communication relating to the  
18 dispatch of the farm truck or farm tractor to a work location.

19 (c) Penalty. A person who violates this section commits a traffic violation  
20 and shall be subject to a penalty of not less than \$100.00 and not more than  
21 \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00

1 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent  
2 violation within any two-year period.

3 (d)(1) Operators of commercial motor vehicles shall be governed by the  
4 provisions of chapter 39 of this title (Commercial Driver License Act) instead  
5 of the provisions of this chapter with respect to the handheld use of mobile  
6 telephones and texting while operating a commercial motor vehicle.

7 (2) A person shall not be issued more than one complaint for any  
8 violation of this section, section 1095a of this title (junior operator use of  
9 portable electronic devices), or section 1099 of this title (texting prohibited)  
10 that arises from the same conduct.

11 Sec. 20i. 23 V.S.A. § 2502 is amended to read:

12 § 2502. POINT ASSESSMENT; SCHEDULE

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

17 (1) Two points assessed for:

18 \* \* \*

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

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

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(4) Five points assessed for:

\* \* \*

(D) § 1095b. Use of portable electronic device ~~in work~~  
~~zone~~—second and subsequent offenses;

\* \* \*

Sec. 20j. 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 vehicle on a highway. This prohibition shall not apply ~~if it is necessary to place an emergency 911 call;~~

(1) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; or

(2) to communications of law enforcement or emergency service personnel in the performance of their official duties.