

1 H.8

2 Introduced by Representatives LaLonde of South Burlington, Bissonnette of  
3 Winooski, Conquest of Newbury, Potter of Clarendon, Stuart of  
4 Brattleboro, Townsend of South Burlington, Viens of Newport  
5 City, and Willhoit of St. Johnsbury

6 Referred to Committee on

7 Date:

8 Subject: Motor vehicles; distracted driving

9 Statement of purpose of bill as introduced: This bill proposes to:

10 (1) require the assessment of points against a person's driving record for  
11 violating the law prohibiting handheld use of a portable electronic device while  
12 driving if the offense occurs in a school zone;

13 (2) require the assessment of points against a person's driving record for  
14 a second or subsequent violation of the law prohibiting handheld use of a  
15 portable electronic device while driving;

16 (3) require that an oral or written license examination administered by  
17 the Commissioner of Motor Vehicles test the applicant's awareness of the  
18 dangers of distracted driving;

19 (4) require the Commissioner of Motor Vehicles to recall a minor's  
20 learner's permit or junior operator's license for 30 days following a second or

1 subsequent conviction of violating the law prohibiting handheld use of a  
2 portable electronic device while driving;

3 (5) amend the law creating the State's DUI Enforcement Special Fund in  
4 order to rename the Fund and expand the purpose of the Fund to include  
5 expenditures to support enforcement of the State's distracted driving laws, and  
6 make related conforming changes.

7 An act relating to distracted driving

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

9 \* \* \* Handheld Use of Portable Electronic Devices \* \* \*

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

11 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

12 PROHIBITED

13 \* \* \*

14 (c) Penalties.

15 (1) A person who violates this section commits a traffic violation and  
16 shall be subject to a fine of not less than \$100.00 and not more than \$200.00  
17 for a first violation, and of not less than \$250.00 and not more than \$500.00 for  
18 a second or subsequent violation within any two-year period.

19 (2) A person convicted of violating this section while operating within a  
20 ~~properly designated work zone in which construction, maintenance, or utility~~

1 ~~personnel are present~~ the following areas shall have two points assessed  
2 against his or her driving record for a first conviction and five points assessed  
3 for a second or subsequent conviction;

4 (A) a properly designated work zone in which construction,  
5 maintenance, or utility personnel are present; or

6 (B) a school zone marked with warning signs conforming to the  
7 Manual on Uniform Traffic Control Devices.

8 (3) A person convicted of violating this section outside ~~a work zone in~~  
9 ~~which personnel are present~~ the areas designated in subdivision (2) of this  
10 subsection shall not have points assessed against his or her driving record for a  
11 first violation, and shall have two points assessed against his or her driving  
12 record for a second or subsequent violation.

13 (d) Relationship with other laws.

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

18 (2) A person shall not be issued more than one complaint for any  
19 violation of this section, section 1095a of this title (junior operator use of  
20 portable electronic devices), or section 1099 of this title (texting prohibited)  
21 that arises from the same incident.

1 Sec. 2. 23 V.S.A. § 632 is amended to read:

2 § 632. EXAMINATION REQUIRED; WAIVER

3 (a) Before an operator's or a junior operator's license is issued to an  
4 applicant for the first time in this State, or before a renewal license is issued to  
5 an applicant whose previous Vermont license had expired more than three  
6 years prior to the application for renewal, the applicant shall pass a satisfactory  
7 examination, except that the Commissioner may, in his or her discretion, waive  
8 the examination when the applicant holds a chauffeur's or operator's license in  
9 force at the time of application or within one year of the application in some  
10 other state where an examination is required similar to the examination  
11 required in this State.

12 (b) The examination shall consist of:

13 (1) an oral or written examination;

14 (2) a thorough road test; and

15 (3) at the discretion of the Commissioner, such other examination or  
16 demonstration as he or she may prescribe.

17 (c) The oral or written examination required under subsection (b) of this  
18 section shall test the applicant's awareness of the dangers of distracted driving.

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

2 § 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S  
3 LICENSE

4 (a)(1) A learner's permit or junior operator's license shall contain an  
5 admonition that it is recallable and that the later procurement of an operator's  
6 license is conditional on the establishment of a record which is satisfactory to  
7 the Commissioner and showing compliance with the motor vehicle laws of this  
8 and other states.

9 (2) The Commissioner may recall any permit or license issued to a  
10 minor:

11 (A) whenever he or she is satisfied, from information provided by  
12 a credible person and upon investigation, that the operator is mentally or  
13 physically unfit or, because of his or her habits or record as to accidents or  
14 convictions, is unsafe to be trusted with the operation of motor  
15 vehicles. ~~On; or~~

16 (B) for up to 30 days on recommendation of a diversion or reparative  
17 board, ~~the Commissioner may recall the learner's permit or junior operator's~~  
18 ~~license of a person~~ if the minor is enrolled in a diversion or reparative program  
19 ~~for up to 30 days.~~

20 (3) The Commissioner shall ~~also~~ recall any learner's permit or junior  
21 operator's license issued to a minor for:



1 32 V.S.A. chapter 7, subchapter 5. The ~~DUI Enforcement~~ Special Fund shall  
2 be a continuation of and successor to the DUI Enforcement Special Fund  
3 established under subsection 1205(r) of this title.

4 (b) The DUI and Distracted Driving Enforcement Special Fund shall  
5 consist of:

6 (1) receipts from the surcharges assessed under section 206 and  
7 subsections 674(i), 1091(d), 1094(f), 1128(d), 1133(d), 1205(r), and 1210(k) of  
8 this title;

9 (2) ~~beginning in fiscal year 2000 and thereafter,~~ the first \$150,000.00 of  
10 revenues collected from fines imposed under chapter 13, subchapter 13 ~~of~~  
11 ~~chapter 13~~ of this title pertaining to ~~DUI-related~~ DUI-related offenses;

12 (3) notwithstanding 19 V.S.A. § 11(6), all fines collected from penalties  
13 imposed under sections 1095, 1095a, 1095b, 1099, and 4125 of this title,  
14 except for the \$12.50 administrative charge specified in 13 V.S.A. § 7252;

15 (3)(4) beginning May 1, 2013 and thereafter, \$0.0038 per gallon of the  
16 revenues raised by the motor fuel tax on gasoline imposed by chapter 28 of this  
17 title; and

18 (4)(5) any additional funds transferred or appropriated by the General  
19 Assembly.

20 (c) The DUI and Distracted Driving Enforcement Special Fund shall be  
21 used for the implementation and enforcement of this subchapter and of sections

1     1095, 1095a, 1095b, 1099, and 4125 of this title for purposes specified and in  
2     amounts appropriated by the General Assembly. Effort shall be given to  
3     awarding grants to municipalities or law enforcement agencies for innovative  
4     programs designed to reduce DUI and distracted driving offenses, and priority  
5     shall be given to grants requested jointly by more than one law enforcement  
6     agency or municipality.

7     Sec. 5. REPLACEMENTS; CONFORMING CHANGES

8         (a) In 23 V.S.A. §§ 206, 674, 1091, 1094, 1128, 1133, and 1210, the phrase  
9         “DUI Enforcement Fund” is hereby replaced with “DUI and Distracted  
10         Driving Enforcement Special Fund.”

11         (b) In 23 V.S.A. § 1205, the phrase “DUI Enforcement Special Fund” is  
12         hereby replaced with “DUI and Distracted Driving Enforcement Special  
13         Fund.”

14                     \* \* \* Effective Date \* \* \*

15     Sec. 6. EFFECTIVE DATE

16         This act shall take effect on July 1, 2017.