1	H.65/		
2	Introduced by Representatives Smith of Derby, Buckholz of Hartford,		
3	Batchelor of Derby, Bissonnette of Winooski, Christensen of		
4	Weathersfield, Christie of Hartford, Dickinson of St. Albans		
5	Town, Frenier of Chelsea, Gardner of Richmond, Harrison of		
6	Chittenden, Head of South Burlington, Higley of Lowell,		
7	Hooper of Randolph, Joseph of North Hero, Keefe of		
8	Manchester, Kimbell of Woodstock, LaLonde of South		
9	Burlington, Lefebvre of Newark, Lewis of Berlin, Marcotte of		
10	Coventry, McFaun of Barre Town, Myers of Essex, O'Sullivan		
11	of Burlington, Read of Fayston, Rosenquist of Georgia, Strong		
12	of Albany, Stuart of Brattleboro, Sullivan of Dorset, Troiano of		
13	Stannard, Turner of Milton, Viens of Newport City, and Walz		
14	of Barre City		
15	Referred to Committee on		
16	Date:		
17	Subject: Motor vehicles; distracted driving; penalties		
18	Statement of purpose of bill as introduced: This bill proposes to increase the		
19	penalties for violating the laws governing handheld use of a portable electric		
20	device while operating a motor vehicle on a highway and governing texting		
21	while operating a motor vehicle on a highway.		

1 2	An act relating to increasing the penalties for violating laws governing the use of portable electronic devices while driving
3	It is hereby enacted by the General Assembly of the State of Vermont:
4	Sec. 1. 23 V.S.A. § 1095b is amended to read:
5	§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
6	PROHIBITED
7	* * *
8	(c) Penalties.
9	(1) A person who violates this section commits a traffic violation and
10	shall be subject to a fine of not less than \$100.00 and not more than \$200.00
11	for a first violation, and of not less than \$250.00 and not more than \$500.00 for
12	a second or subsequent violation within any two-year period civil penalty of
13	not less than \$500.00.
14	(2) A person convicted of violating this section while operating within
15	the following areas shall have four points assessed against his or her driving
16	record for a first conviction and five points assessed for a second or subsequent
17	conviction:
18	(A) a properly designated work zone in which construction,
19	maintenance, or utility personnel are present; or
20	(B) a school zone marked with warning signs conforming to the
21	Manual on Uniform Traffic Control Devices.

1	(3) A person convicted of violating this section outside the areas
2	designated in subdivision (2) of this subsection shall have two ten points
3	assessed against his or her driving record.
4	* * *
5	Sec. 2. 23 V.S.A. § 1099 is amended to read:
6	§ 1099. TEXTING PROHIBITED
7	* * *
8	(c) A person who violates this section commits a traffic violation as defined
9	in section 2302 of this title and shall be subject to a civil penalty of not less
10	than \$100.00 and not more than \$200.00 for a first violation, and of not less
11	than \$250.00 and not more than \$500.00 for a second or subsequent violation
12	within any two-year period \$500.00 and shall have 10 points assessed against
13	his or her driving record.
14	Sec. 3. 23 V.S.A. § 2502 is amended to read:
15	§ 2502. POINT ASSESSMENT; SCHEDULE
16	(a) Unless the assessment of points is waived by a Superior judge or a
17	Judicial Bureau hearing officer in the interests of justice and in accordance
18	with subsection 2501(b) of this title, a person operating a motor vehicle shall
19	have points assessed against his or her driving record for convictions for
20	moving violations of the indicated motor vehicle statutes in accord with the

1	following schedule:	(All references	are to Title 23 of the Vermont Statutes
2	Annotated.)		
3	(1) Two point	ts assessed for:	
4			* * *
5	(LL)(i)	§ 1095.	Entertainment picture visible
6			to operator;
7	(ii)	§ 1095b(c)(3).	Use of portable electronic
8			device outside work or school
9			zone; [Repealed.]
10			* * *
11	(3) Four poin	ts assessed for:	
12	(A)	§ 1012.	Failure to obey enforcement
13			officer;
14	(B)	§ 1013.	Authority of enforcement
15			officers;
16	(C)	§ 1051.	Failure to yield to pedestrian;
17	(D)	§ 1057.	Failure to yield to persons
18			who are blind;
19	(E)	§ 1095b(c)(2)	Use of portable electronic
20			device in work or school zone
21			—first offense; [Repealed.]

1	(4) Five p	points assessed for:	
2	(A)	§ 1050.	Failure to yield to emergency
3			vehicles;
4	(B)	§ 1075.	Illegal passing of school bus;
5	(C)	§ 1099.	Texting prohibited; [Repealed.]
6	(D)	§ 1095b(c)(2)	Use of portable electronic
7			device in work or school zone
8			—second and subsequent
9			offenses; [Repealed.]
10			* * *
11	(9) Eight	points assessed for se	ections 1003 and 1007. State speed zones
12	and local speed limits, more than 30 miles per hour over and in excess of the		
13	speed limit;		
14	(10) Ten	points assessed for:	
15	<u>(A)</u>	<u>§ 1095b.</u>	Handheld use of portable electronic
16			device while driving;
17	<u>(B)</u>	<u>§ 1099.</u>	Texting while driving.
18			***
19	Sec. 4. EFFEC	ΓΙVE DATE	
20	This act shall	I take effect on July 1	<u>, 2018.</u>