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H.657

Introduced by Representatives Smith of Derby, Buckholz of Hartford,  
Batchelor of Derby, Bissonnette of Winooski, Christensen of  
Weathersfield, Christie of Hartford, Dickinson of St. Albans  
Town, Frenier of Chelsea, Gardner of Richmond, Harrison of  
Chittenden, Head of South Burlington, Higley of Lowell,  
Hooper of Randolph, Joseph of North Hero, Keefe of  
Manchester, Kimbell of Woodstock, LaLonde of South  
Burlington, Lefebvre of Newark, Lewis of Berlin, Marcotte of  
Coventry, McFaun of Barre Town, Myers of Essex, O’Sullivan  
of Burlington, Read of Fayston, Rosenquist of Georgia, Strong  
of Albany, Stuart of Brattleboro, Sullivan of Dorset, Troiano of  
Stannard, Turner of Milton, Viens of Newport City, and Walz  
of Barre City

Referred to Committee on

Date:

Subject: Motor vehicles; distracted driving; penalties

Statement of purpose of bill as introduced: This bill proposes to increase the  
penalties for violating the laws governing handheld use of a portable electric  
device while operating a motor vehicle on a highway and governing texting  
while operating a motor vehicle on a highway.

1 An act relating to increasing the penalties for violating laws governing the  
2 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 following schedule: (All references are to Title 23 of the Vermont Statutes  
2 Annotated.)

3 (1) Two points assessed for:

4 \* \* \*

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

7 (ii) ~~§ 1095b(e)(3). Use of portable electronic~~  
8 ~~device outside work or school~~  
9 ~~zone; [Repealed.]~~

10 \* \* \*

11 (3) Four points 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(e)(2) Use of portable electronic~~  
20 ~~device in work or school zone~~  
21 ~~—first offense; [Repealed.]~~

1 (4) Five 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 sections 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 (A) § 1095b. Handheld use of portable electronic  
16 device while driving;

17 (B) § 1099. Texting while driving.

18 \* \* \*

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.