

1 H.691

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Motor vehicles; driving under the influence; portable electronic

5 devices; seatbelts; vulnerable users

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

7 (1) subject a person who operates any vehicle the operation of which
8 requires a school bus endorsement to the 0.02 blood alcohol limit that applies
9 to persons operating a school bus;

10 (2) allow additional professionals to conduct an evidentiary blood draw,
11 and limit the amount that a medical facility or business may charge for services
12 rendered when a person is brought to a facility for the sole purpose of a blood
13 test or when an emergency medical technician or paramedic draws an
14 evidentiary blood sample;

15 (3) impose additional penalties for operating a vehicle under the
16 influence of alcohol or drugs with a minor in the vehicle;

17 (4) prohibit operation of a motor vehicle while possessing or operating
18 under the influence of drugs for individuals under 21 years of age and
19 imposing civil penalties for such a violation;

20 (5) establish minimum and maximum penalties for a violation of the law
21 that prohibits junior operators from using a portable electronic device while
22 driving;

- 1 (6) authorize primary enforcement of the seatbelt law for adults; and
2 (7) require motor vehicles approaching or passing vulnerable users, in
3 exercising due care, to reduce speed to pass the vulnerable user safely.

4 An act relating to highway safety

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

6 * * * Driving Under the Influence * * *

7 Sec. 1. 23 V.S.A. § 1201(a) is amended to read:

8 (a) A person shall not operate, attempt to operate, or be in actual physical
9 control of any vehicle on a highway:

10 (1) when the person's alcohol concentration is 0.08 or more, or 0.02 or
11 more if the person is operating a ~~school bus as defined in subdivision 4(34) of~~
12 ~~this title~~ vehicle when the operation requires an operator's license with a
13 school bus endorsement; or

14 * * *

15 Sec. 2. 23 V.S.A. § 1203 is amended to read:

16 § 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND
17 VIDEOTAPE

18 (a) A breath test shall be administered only by a person who has been
19 certified by the Vermont Criminal Justice Training Council to operate the
20 breath testing equipment being employed. In any proceeding under this

1 subchapter, a person's testimony that he or she is certified to operate the breath
2 testing equipment employed shall be prima facie evidence of that fact.

3 (b) Only a physician, licensed nurse, medical technician, physician
4 assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or
5 advanced emergency medical technician, or paramedic acting at the request of
6 a law enforcement officer may withdraw blood for the purpose of determining
7 the presence of alcohol or ~~other~~ another drug. This limitation does not apply to
8 the taking of a breath sample. A medical facility or business may charge not
9 more than \$75.00 for services rendered when a person is brought to a facility
10 for the sole purpose of a blood test or when an emergency medical technician
11 or paramedic draws an evidentiary blood sample.

12 * * *

13 Sec. 3. 23 V.S.A. § 1210(1) is added to read:

14 (1) Minor in vehicle. A person who violates section 1201 of this title while
15 a minor is in the person's vehicle shall, in addition to any other penalty
16 imposed by law, be:

17 (1) fined not more than \$300.00 or imprisoned for not more than six
18 months, or both; or

19 (2) fined not more than \$5,000.00 or imprisoned for not more than
20 10 years, or both, if the violation results in the death of or serious bodily injury
21 to the minor.

1 Sec. 4. 23 V.S.A. § 1217 is added to read:

2 § 1217. PERSONS UNDER 21 YEARS OF AGE; OPERATING A
3 VEHICLE WHILE IN POSSESSION OR UNDER THE
4 INFLUENCE OF A DRUG; CIVIL PENALTIES

5 (a) A person under 21 years of age shall not operate, attempt to operate, or
6 be in actual physical control of a vehicle on a highway while:

7 (1) under the influence of a drug; or

8 (2) in possession of a regulated drug as defined in 18 V.S.A. § 4201,
9 unless the person obtained possession with a valid prescription or registration
10 card, or the person is lawfully transporting or delivering the drug.

11 (b) A violation of subsection (a) of this section shall be a civil offense
12 subject to the jurisdiction of the Judicial Bureau and subject to the following
13 sanctions:

14 (1) For a first violation, the Commissioner shall suspend the person's
15 license to operate a motor vehicle for a period of six months.

16 (2) For a second or subsequent violation, the Commissioner shall
17 suspend the person's license to operate a motor vehicle for a period of one year
18 or until the person reaches 21 years of age, whichever is longer.

19 (3) Any suspension imposed pursuant to this section shall run
20 concurrently with any suspension imposed pursuant to section 1205, 1206,
21 1208, or 1216 of this title, any suspension imposed by another jurisdiction
22 under comparable statutes, or a suspension resulting from a conviction for a

1 violation of section 1091 of this title if it arose from the same incident. A
2 person shall receive credit for any elapsed period of a suspension served in
3 Vermont against a later suspension imposed in Vermont.

4 (c) No fine shall be imposed and no points shall be assessed for a violation
5 of this section.

6 (d) Any civil penalty imposed by this section shall not bar prosecution for
7 any crime arising out of the same violation, including a prosecution under
8 section 1201 of this title.

9 (e) As used in subsection (a) of this section, “under the influence of a drug”
10 shall have the same meaning as in subsection 1201(h) of this title.

11 * * * Junior Operator Use of Portable Electronic Devices * * *

12 Sec. 5. 23 V.S.A. § 1095a is amended to read:

13 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
14 DEVICES

15 * * *

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

1 * * * Seatbelt Law for Adults; Primary Enforcement * * *

2 Sec. 6. 23 V.S.A. § 1259 is amended to read:

3 § 1259. SAFETY BELTS; PERSONS ~~AGE 18~~ YEARS OF AGE AND
4 OVER

5 * * *

6 (e) ~~This section may be enforced only if a law enforcement officer has~~
7 ~~detained the operator of a motor vehicle for another suspected traffic violation.~~
8 ~~An operator shall not be subject to the penalty established in this section unless~~
9 ~~the operator is required to pay a penalty for the primary violation. [Repealed.]~~

10 * * *

11 Sec. 7. PRIMARY ENFORCEMENT OF SEATBELT LAW; PUBLIC
12 EDUCATION CAMPAIGN

13 (a) To inform highway users of the requirements of Sec. 6 of this act
14 (primary enforcement of the seatbelt law for adults) and the October 1, 2018
15 effective date of Sec. 6, the Secretary of Transportation shall conduct a public
16 education campaign to commence not later than July 1, 2018.

17 (b) At a minimum, the Secretary shall:

18 (1) notify media outlets throughout the State of the change in the law to
19 primary enforcement of the adult seatbelt law and the October 1, 2018
20 effective date of the change in the law;

1 (2) update the website of the Agency of Transportation and the website
2 of the Department of Motor Vehicles to provide notice of the change in the law
3 and its effective date; and

4 (3) consistent with the Manual on Uniform Traffic Control Devices and
5 any other applicable federal law, post messages on changeable message signs
6 of the Agency that inform highway users of the change in the law and its
7 effective date.

8 * * * Passing Vulnerable Users * * *

9 Sec. 8. 23 V.S.A. § 1033(b) is amended to read:

10 (b) Passing vulnerable users. The operator of a motor vehicle approaching
11 or passing a vulnerable user as defined in subdivision 4(81) of this title shall
12 exercise due care, which includes reducing speed and increasing clearance to a
13 recommended distance of at least four feet, to pass the vulnerable user safely,
14 and shall cross the center of the highway only as provided in section 1035 of
15 this title. A person who violates this subsection shall be subject to a civil
16 penalty of not less than \$200.00.

17 * * * Effective Dates * * *

18 Sec. 9. EFFECTIVE DATES

19 (a) This section and Sec. 7 (education campaign) shall take effect on
20 passage.

- 1 (b) Sec. 6 (primary enforcement of adult seatbelt law) shall take effect on
- 2 October 1, 2018.
- 3 (c) All other sections shall take effect on July 1, 2018.