

H.691

An act relating to highway safety

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

\* \* \* Driving Under the Influence \* \* \*

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

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

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

\* \* \*

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

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

(a) A breath test shall be administered only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.

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

\* \* \*

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

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

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

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

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

§ 1217. PERSONS UNDER 21 YEARS OF AGE; OPERATING A

VEHICLE WHILE UNDER THE INFLUENCE OF A DRUG; CIVIL  
PENALTIES

(a) A person under 21 years of age shall not operate, attempt to operate, or be in actual physical control of a vehicle on a highway while under the influence of a drug.

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

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

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

(3) Any suspension imposed pursuant to this section shall run concurrently with any suspension imposed pursuant to section 1205, 1206, 1208, or 1216 of this title, any suspension imposed by another jurisdiction under comparable statutes, or a suspension resulting from a conviction for a violation of section 1091 of this title if it arose from the same incident. A

person shall receive credit for any elapsed period of a suspension served in Vermont against a later suspension imposed in Vermont.

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

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

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

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

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

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
DEVICES

\* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

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

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

(b) At a minimum, the Secretary shall:

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

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

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

\* \* \* Passing Vulnerable Users \* \* \*

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

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

\* \* \* Effective Dates \* \* \*

Sec. 9. EFFECTIVE DATES

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

(b) Sec. 6 (primary enforcement of adult seatbelt law) shall take effect on  
October 1, 2018.

(c) All other sections shall take effect on July 1, 2018.