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H.782

Introduced by Representatives Stuart of Brattleboro and O’Sullivan of
Burlington

Referred to Committee on

Date:

Subject: Motor vehicles; highways; private right of action; liability

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

- (1) rename the law governing the handheld use of a portable electronic device while driving;
- (2) require the Commissioner of Motor Vehicles to develop and promote educational materials related to reporting aggressive driving incidents; and
- (3) create a private right of action and authorize recovery of exemplary damages for victims of road rage assaults.

An act relating to miscellaneous highway and motor vehicle provisions

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

* * * Use of a Portable Electronic Device While Driving * * *

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

§ 1095b. ~~HANDHELD USE OF PORTABLE ELECTRONIC DEVICE~~
DRIVING UNDER THE INFLUENCE OF ELECTRONICS
PROHIBITED

1 * * * Aggressive Driving and Road Rage * * *

2 Sec. 2. 23 V.S.A. § 102 is amended to read:

3 § 102. DUTIES OF COMMISSIONER

4 * * *

5 (e) The Commissioner of Motor Vehicles, in consultation with the
6 Commissioner of Public Safety, shall develop and promote educational
7 materials related to reporting aggressive driving incidents in progress as well
8 as past incidents of aggressive driving. At a minimum, these materials shall
9 provide relevant contact information for reporting such incidents and shall be
10 posted on the websites of the Department of Motor Vehicles and of the
11 Department of Public Safety.

12 Sec. 3. 23 V.S.A. § 1017 is added to read:

13 § 1017. ROAD RAGE ASSAULTS; PRIVATE RIGHT OF ACTION; CIVIL
14 LIABILITY

15 (a) As used in this section:

16 (1) “Road user” includes a motor vehicle or bicycle operator or
17 passenger or a vulnerable user.

18 (2) “Road rage assault” means:

19 (A) the knowing, reckless, or negligent action of a road user causing
20 or attempting to cause bodily injury to another road user while on a
21 highway; or

1 (B) the knowing, reckless, or negligent attempt of a road user by
2 physical menace to put another road user in fear of imminent serious bodily
3 injury while on a highway.

4 (b) A person who is the victim of a road rage assault committed by a road
5 user may bring an action for damages against the road user in the Civil
6 Division of the Superior Court. The court may issue an award for the person's
7 actual damages, if any, and exemplary damages of \$1,000.00 per road rage
8 assault.

9 * * * Effective Date * * *

10 Sec. 4. EFFECTIVE DATE

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