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H.165

Introduced by Representatives Smith of Derby, LaLonde of South Burlington,  
Bancroft of Westford, Batchelor of Derby, Brennan of  
Colchester, Christensen of Weathersfield, Cordes of Lincoln,  
Feltus of Lyndon, Hashim of Dummerston, Houghton of Essex,  
Kimbell of Woodstock, Marcotte of Coventry, Morgan of  
Milton, Page of Newport City, Palasik of Milton, Rosenquist of  
Georgia, Savage of Swanton, Shaw of Pittsford, Troiano of  
Stannard, 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  
penalties for violating laws governing the use of a portable electronic device,  
including for texting, while operating a moving motor vehicle on a highway.

An act relating to increasing penalties for using a portable electronic device  
while operating a moving motor vehicle

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

2 Sec. 1. 23 V.S.A. § 1095a is amended to read:

3 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
4 DEVICES

5 (a) A person under 18 years of age shall not use any portable electronic  
6 device as defined in subdivision 4(82) of this title while operating a moving  
7 motor vehicle in a place open temporarily or permanently to public or general  
8 circulation of vehicles.

9 \* \* \*

10 (d) A person who violates this section commits a traffic violation as defined  
11 in section 2302 of this title and shall be subject to a civil penalty of \$0.00 and  
12 have five points assessed against his or her driving record.

13 Sec. 2. 23 V.S.A. § 1095b is amended to read:

14 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE  
15 PROHIBITED

16 \* \* \*

17 (b) Use of handheld portable electronic device prohibited.

18 (1) A person shall not use a portable electronic device while operating a  
19 moving motor vehicle in a place open temporarily or permanently to public or  
20 general circulation of vehicles.

21 \* \* \*

1 (c) Penalties.

2 (1) A person who violates this section commits a traffic violation as  
3 defined in section 2302 of this title and shall be subject to a ~~fine~~ civil penalty  
4 of not less than \$100.00 and not more than \$200.00 for a first violation, and of  
5 not less than \$250.00 and not more than \$500.00 for a second or subsequent  
6 ~~violation within any two-year period~~ \$500.00 and shall have five points  
7 assessed against his or her driving record.

8 (2) A person convicted of violating this section while operating within  
9 the following areas shall have ~~four~~ an additional three points assessed against  
10 his or her driving record ~~for a first conviction and five points assessed for a~~  
11 ~~second or subsequent conviction:~~

12 (A) a properly designated work zone in which construction,  
13 maintenance, or utility personnel are present; or

14 (B) a school zone marked with warning signs conforming to the  
15 Manual on Uniform Traffic Control Devices.

16 ~~(3) A person convicted of violating this section outside the areas~~  
17 ~~designated in subdivision (2) of this subsection shall have two points assessed~~  
18 ~~against his or her driving record.~~

19 \* \* \*

1 Sec. 3. 23 V.S.A. § 1099 is amended to read:

2 § 1099. TEXTING PROHIBITED

3 \* \* \*

4 (b)(1) A person shall not engage in texting while operating a moving motor  
5 vehicle in a place open temporarily or permanently to public or general  
6 circulation of vehicles.

7 \* \* \*

8 (c)(1) A person who violates this section commits a traffic violation as  
9 defined in section 2302 of this title and shall be subject to a civil penalty of not  
10 less than ~~\$100.00 and not more than \$200.00 for a first violation, and of not~~  
11 ~~less than \$250.00 and not more than \$500.00 for a second or subsequent~~  
12 ~~violation within any two-year period~~ \$500.00 and shall have five points  
13 assessed against his or her driving record.

14 (2) A person convicted of violating this section while operating within  
15 the following areas shall have an additional three points assessed against his or  
16 her driving record:

17 (A) a properly designated work zone in which construction,  
18 maintenance, or utility personnel are present; or

19 (B) a school zone marked with warning signs conforming to the  
20 Manual on Uniform Traffic Control Devices.

1 Sec. 4. 23 V.S.A. § 4125 is amended to read:

2 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE  
3 VIOLATIONS

4 \* \* \*

5 (b)(1) General Prohibition on Texting. No operator shall engage in texting  
6 while driving a commercial motor vehicle.

7 \* \* \*

8 (c)(1) General Prohibition on Use of Handheld Mobile Telephones. No  
9 operator shall use a handheld mobile telephone while driving a commercial  
10 motor vehicle.

11 \* \* \*

12 (e) Penalties.

13 (1) A person who violates this section commits a traffic violation as  
14 defined in section 2302 of this title and shall be subject to a civil penalty of not  
15 less than \$500.00 and shall have five points assessed against his or her driving  
16 record.

17 (2) A person convicted of violating this section while operating within  
18 the following areas shall have an additional three points assessed against his or  
19 her driving record:

20 (A) a properly designated work zone in which construction,  
21 maintenance, or utility personnel are present; or



1           ~~(E) § 1095b(c)(2)~~       Use of portable electronic  
2   device in work or school zone  
3   first offense;

4           (4) Five points assessed for:

5   \* \* \*

6           (C) § 1099(c)(1).       Texting ~~prohibited~~ outside work or  
7   school zone;

8           (D) § 1095b(c)~~(2)~~(1).   Use of portable electronic  
9   device in work or school zone  
10    second and subsequent  
11    offenses Handheld use of portable  
12    electronic device outside work or school  
13    zone;

14          (E) § 1095a.           Junior operator use of portable  
15    electronic devices;

16          (F) § 4125(e)(1).       Texting violations; handheld mobile  
17    telephone violations outside work or  
18    school zone;

19          (5) Eight points assessed for:

20          (A) § 1095b(c)(2).       Handheld use of portable electronic  
21    device inside work or school zone;

1           (B)    § 1099(c)(2)           Texting inside work or school zone;

2           (C)    § 4125(e)(1)           Texting violations; handheld mobile

3                                   telephone violations outside work or

4                                   school zone;

5               ~~(5)~~(6) Ten points assessed for:

6   \* \* \*

7       Sec. 6. 23 V.S.A. § 607a is amended to read:

8       § 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S

9               LICENSE

10       (a) A learner's permit or junior operator's license shall contain an  
11       admonition that it is recallable and that the later procurement of an operator's  
12       license is conditional on the establishment of a record which is satisfactory to  
13       the Commissioner and showing compliance with the motor vehicle laws of this  
14       and other states. The Commissioner may recall any permit or license issued to  
15       a minor whenever he or she is satisfied, from information provided by a  
16       credible person and upon investigation, that the operator is mentally or  
17       physically unfit or, because of his or her habits or record as to accidents or  
18       convictions, is unsafe to be trusted with the operation of motor vehicles. On  
19       recommendation of a diversion or reparative board, the Commissioner may  
20       recall the learner's permit or junior operator's license of a person in a diversion  
21       or reparative program for up to 30 days. The Commissioner shall also recall



1 any learner's permit or junior operator's license for 30 days when ~~an operator~~  
2 ~~is adjudicated of a single texting violation under section 1099 of this title, 90~~  
3 ~~days following adjudication of a single speeding violation resulting in a three-~~  
4 ~~point assessment~~ a total of at least three points has been accumulated, 90 days  
5 when a total of at least six points has been accumulated, or 90 days when an  
6 operator is adjudicated of a violation of subsection 614(c) or 615(a) of this  
7 title. When a learner's permit or junior operator's license is so recalled, it shall  
8 be reinstated upon expiration of a specific term, and, if required by the  
9 Commissioner, when the person has passed a reexamination approved by the  
10 Commissioner.

11 \* \* \*

12 Sec. 7. EFFECTIVE DATE

13 This act shall take effect on July 1, 2019.