1	H.715
2	Introduced by Representatives Smith of Derby, Batchelor of Derby, Birong of
3	Vergennes, Bock of Chester, Brennan of Colchester,
4	Christensen of Weathersfield, Colston of Winooski, Durfee of
5	Shaftsbury, Gamache of Swanton, Goslant of Northfield, Hango
6	of Berkshire, Hashim of Dummerston, Helm of Fair Haven,
7	Higley of Lowell, Hooper of Randolph, Houghton of Essex,
8	Killacky of South Burlington, Kimbell of Woodstock, LaClair
9	of Barre Town, Morgan of Milton, Page of Newport City,
10	Savage of Swanton, Seymour of Sutton, Smith of New Haven,
11	Terenzini of Rutland Town, Toof of St. Albans Town, Troiano
12	of Stannard, Walz of Barre City, and Yacovone of Morristown
13	Referred to Committee on
14	Date:
15	Subject: Motor vehicles; speeding; work zones; school zones; distracted
16	driving; penalties; point assessment
17	Statement of purpose of bill as introduced: This bill proposes to change the
18	penalties and point assessments for violating laws governing speeding in work
19	and school zones and penalties and point assessments for violating laws
20	governing the use of a portable electronic device, including for texting, while
21	operating a moving motor vehicle on a highway.

1 An act relating to changing penalties for speeding in work and school zones 2 and using a portable electronic device while operating a moving motor vehicle 3 4 It is hereby enacted by the General Assembly of the State of Vermont: \* \* \* Speeding in Work and School Zones \* \* \* 5 6 Sec. 1. 23 V.S.A. § 1006a(d) is amended to read: 7 (d) Notwithstanding the limit maximum penalty established in section 2302 8 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the 9 civil penalty for violation of violating a speed limits limit established under 10 subsection (b) of this section shall be twice the penalty for a non-worksite 11 speed violations limit violation. 12 Sec. 2. 23 V.S.A. § 1010(b) is amended to read: 13 (b) Notwithstanding the limit maximum penalty established in section 2302 14 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the 15 civil penalty for violation of violating a speed limits limit established under the 16 worksite provision of this section shall be twice the penalty for a non-worksite 17 speed violations limit violation. 18 Sec. 3. 23 V.S.A. § 1081 is amended to read: 19 § 1081. BASIC RULE AND MAXIMUM LIMITS; SCHOOL ZONES \* \* \* 20 (e) Notwithstanding the maximum penalty established in subsection 21 22 2302(c) of this title and the waiver penalties established pursuant to 4 V.S.A.

1	<u>§ 1102(d)</u> , the civil penalty for violating a State or municipal speed limit in a
2	school zone designated with signs in accordance with 19 V.S.A. § 921 shall be
3	twice the penalty for a non-school zone speed limit violation.
4	* * * Distracted Driving * * *
5	Sec. 4. 23 V.S.A. § 1095a is amended to read:
6	§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
7	DEVICES
8	(a) A person An individual under 18 years of age shall not use any portable
9	electronic device as defined in subdivision 4(82) of this title while operating a
10	moving motor vehicle in a place open temporarily or permanently to public or
11	general circulation of vehicles.
12	(b) In addition, a person an individual under 18 years of age shall not use
13	any portable electronic device while operating a motor vehicle on a public
14	highway, including while the vehicle is stationary, unless otherwise provided
15	in this section. As used in this subsection:
16	* * *
17	(c) The prohibitions of this section shall not apply when use of a portable
18	electronic device is necessary for a person an individual to communicate with
19	law enforcement or emergency service personnel under emergency
20	circumstances.

1	(d)(1) A person An individual who violates this section commits a traffic
2	violation as defined in section 2302 of this title and shall be subject to a civil
3	penalty of not less than $\frac{100.00}{25.00}$ and not more than $\frac{200.00}{50.00}$ for
4	a first violation, and of not less than $\frac{250.00}{50.00}$ and not more than
5	$\frac{500.00}{500.00}$ for a second or subsequent violation within any two-year
6	period.
7	(2) A person <u>An individual</u> convicted of violating this section while
8	operating within the following areas shall have four five points assessed
9	against his or her driving record for a first conviction and five points assessed
10	for a second or subsequent conviction:
11	(A) a properly designated work zone in which construction,
12	maintenance, or utility personnel are present; or
13	(B) a school zone marked with warning signs conforming to the
14	Manual on Uniform Traffic Control Devices.
15	(3) A person convicted of violating this section outside the areas
16	designated in subdivision (2) of this subsection shall have two points assessed
17	against his or her driving record.
18	Sec. 5. 23 V.S.A. § 1095b is amended to read:
19	§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
20	PROHIBITED
21	* * *

1	(b) Use of handheld portable electronic device prohibited.
2	(1) A person <u>An individual</u> shall not use a portable electronic device
3	while operating a moving motor vehicle in a place open temporarily or
4	permanently to public or general circulation of vehicles.
5	(2) In addition, a person an individual shall not use a portable electronic
6	device while operating a motor vehicle on a public highway in Vermont,
7	including while the vehicle is stationary, unless otherwise provided in this
8	section. As used in this subdivision (b)(2):
9	* * *
10	(3) The prohibitions of this subsection shall not apply:
11	* * *
12	(C) When use of a portable electronic device is necessary for $\frac{1}{2}$
13	person an individual to communicate with law enforcement or emergency
14	service personnel under emergency circumstances.
15	* * *
16	(c) Penalties.
17	(1) A person An individual who violates this section commits a traffic
18	violation as defined in section 2302 of this title and shall be subject to a fine
19	civil penalty of not less than \$100.00 and not more than \$200.00 \$250.00 and
20	shall have four points assessed against his or her driving record for a first
21	violation, and shall be subject to a civil penalty of not less than \$250.00 and

1	not more than \$500.00 and shall have five points assessed against his or her
2	driving record for a second or subsequent violation within any two-year period.
3	(2) A person An individual convicted of violating this section while
4	operating within the following areas shall be subject to an additional civil
5	penalty of \$250.00 and shall have four an additional five points assessed
6	against his or her driving record for a first conviction and five points assessed
7	for a second or subsequent conviction:
8	(A) a properly designated work zone in which construction,
9	maintenance, or utility personnel are present; or
10	(B) a school zone marked with warning signs conforming to the
11	Manual on Uniform Traffic Control Devices.
12	(3) A person convicted of violating this section outside the areas
13	designated in subdivision (2) of this subsection shall have two points assessed
14	against his or her driving record.
15	(d)(1) Operators of commercial motor vehicles shall be governed by the
16	provisions of chapter 39 of this title (Commercial Driver License Act) instead
17	of the provisions of this chapter with respect to the handheld use of mobile
18	telephones and texting while operating a commercial motor vehicle.
19	(2) A person An individual shall not be issued more than one complaint
20	for any violation of this section, section 1095a of this title (junior operator use

1	of portable electronic devices), or section 1099 of this title (texting prohibited)
2	that arises from the same incident.
3	Sec. 6. 23 V.S.A. § 1099 is amended to read:
4	§ 1099. TEXTING PROHIBITED
5	* * *
6	(b)(1) A person An individual shall not engage in texting while operating a
7	moving motor vehicle in a place open temporarily or permanently to public or
8	general circulation of vehicles.
9	(2) In addition, a person an individual shall not engage in texting while
10	operating a motor vehicle on a public highway in Vermont, including while the
11	vehicle is stationary, unless otherwise provided under this section. As used in
12	this subdivision (b)(2):
13	* * *
14	(c)(1) A person An individual who violates this section commits a traffic
15	violation as defined in section 2302 of this title and shall be subject to a civil
16	penalty of not less than \$100.00 and not more than \$200.00 \$250.00 and shall
17	have four points assessed against his or her driving record for a first violation,
18	and shall be subject to a civil penalty of not less than \$250.00 and not more
19	than \$500.00 and shall have five points assessed against his or her driving
20	record for a second or subsequent violation within any two-year period.

## BILL AS INTRODUCED 2020

1	(2) An individual convicted of violating this section while operating
2	within the following areas shall be subject to an additional civil penalty of
3	\$250.00 and shall have an additional five points assessed against his or her
4	driving record:
5	(A) a properly designated work zone in which construction,
6	maintenance, or utility personnel are present; or
7	(B) a school zone marked with warning signs conforming to the
8	Manual on Uniform Traffic Control Devices.
9	(3) Notwithstanding subsection 2502(b) of this title, an individual who
10	causes an accident resulting in property damage, injury, or death because he or
11	she violated this section shall be subject to a civil penalty of not less than
12	\$500.00 and shall have ten points assessed against his or her driving record.
13	Sec. 7. 23 V.S.A. § 4125 is amended to read:
14	§ 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE
15	VIOLATIONS
16	* * *
17	(b)(1) General Prohibition on Texting. No operator shall engage in texting
18	while driving a commercial motor vehicle.
19	* * *

## BILL AS INTRODUCED 2020

1	(3) No person individual may be issued traffic complaints alleging a
2	violation of this section and a violation of section 1099 of this title from the
3	same incident.
4	(c)(1) General Prohibition on Use of Handheld Mobile Telephones. No
5	operator shall use a handheld mobile telephone while driving a commercial
6	motor vehicle.
7	* * *
8	(e) Penalties.
9	(1) An individual who violates this section commits a traffic violation as
10	defined in section 2302 of this title and shall be subject to a civil penalty of not
11	less than \$500.00 and shall have five points assessed against his or her driving
12	record.
13	(2) An individual convicted of violating this section while operating
14	within the following areas shall have an additional five points assessed against
15	his or her driving record:
16	(A) a properly designated work zone in which construction,
17	maintenance, or utility personnel are present; or
18	(B) a school zone marked with warning signs conforming to the
19	Manual on Uniform Traffic Control Devices.

1	* * * Point Assessment * * *		
2	Sec. 8. 23 V.S.A. § 2502 is amende	Sec. 8. 23 V.S.A. § 2502 is amended to read:	
3	§ 2502. POINT ASSESSMENT; Se	CHEDULE	
4	(a) Unless the assessment of poi	nts is waived by a Superior judge or a	
5	Judicial Bureau hearing officer in th	ne interests of justice and in accordance	
6	with subsection 2501(b) of this title	, <del>a person</del> <u>an individual</u> operating a motor	
7	vehicle shall have points assessed a	gainst his or her driving record for	
8	convictions for moving violations o	f the indicated motor vehicle statutes in	
9	accord with the following schedule:	(All references are to Title 23 of the	
10	Vermont Statutes Annotated.)		
11	(1) Two points assessed for:		
12		* * *	
13	(LL) <del>(i)</del> § 1095.	Entertainment picture visible	
14		to operator;	
15	<del>(ii) § 1095a(d)(3).</del>	Junior operator use of portable electronic	
16		device outside work or school zone;	
17	<del>(iii) § 1095b(c)(3).</del>	Use of portable electronic device outside	
18		work or school zone;	
19		* * *	

1	(3) Four points assessed for:	
2		* * *
3	(E) <del>§ 1095a(d)(2).</del>	Junior operator use of portable electronic
4		device in work or school zone first
5		offense;
6	(F) § 1095b(c)(2)(1).	Use of portable electronic device in
7		work or school zone first offense
8		violation—outside work or school zone;
9	<u>(F) § 1099(c)(1).</u>	Texting—first violation—outside work
10		or school zone;
11	(4) Five points assessed for:	
12		* * *
13	(D) § 1095a(d)(2).	Junior operator use of portable electronic
14		device in work or school zone second
15		and subsequent offenses;
16	(E) $ 1095b(c)(2)(1). $	Use of portable electronic device in
17		work or school zone second and
18		subsequent offenses violations—outside
19		work or school zone;
20	<u>(F) § 1099(c)(1).</u>	Texting—second and subsequent
21		violations—outside work or school zone;

VT LEG #343074 v.2

H.715 Page 11 of 15

1	<u>(G) § 4125(e)(1).</u>	Texting violations; handheld mobile
2		telephone violations outside work or
3		school zone;
4	(5) Nine points assessed for:	
5	<u>(A) § 1095b(c)(2).</u>	Handheld use of portable electronic
6		device-first violation-inside work or
7		school zone;
8	<u>(B) § 1099(c)(2).</u>	Texting—first violation—inside work or
9		school zone;
10	(5)(6) Ten points assessed for	:
11		* * *
12	(F) § 1095b(c)(2).	Handheld use of portable electronic
13		device—second and subsequent
14		violations—inside work or school zone;
15	<u>(G) § 1099(c)(2).</u>	Texting—second and subsequent
16		violations—inside work or school zone;
17	<u>(H) § 1099(c)(3).</u>	Texting—accident resulting;
18	<u>(I) § 4125(e)(2).</u>	Texting violations; handheld mobile
19		telephone violations outside work or
20		school zone;

1	(6)(7) Two points assessed for sections 1003 and 1007; doubled inside
2	work or school zone. State speed zones and local speed limits, less than 10
3	miles per hour over and in excess of speed limit;
4	(7)(8) Three points assessed for sections 1003 and 1007; doubled inside
5	work or school zone. State speed zones and local speed limits, more than 10
6	miles per hour over and in excess of speed limit;
7	(8)(9) Five points assessed for sections 1003 and 1007; doubled inside
8	work or school zone. State speed zones and local speed limits, more than 20
9	miles per hour over and in excess of speed limit;
10	(9)(10) Eight points assessed for sections 1003 and 1007; doubled inside
11	work or school zone. State speed zones and local speed limits, more than 30
12	miles per hour over and in excess of the speed limit.
13	* * *
14	* * * Recall of Learner's Permit or Junior Operator's License * * *
15	Sec. 9. 23 V.S.A. § 607a is amended to read:
16	§ 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S
17	LICENSE
18	(a) A learner's permit or junior operator's license shall contain an
19	admonition that it is recallable and that the later procurement of an operator's
20	license is conditional on the establishment of a record which is satisfactory to
21	the Commissioner and showing compliance with the motor vehicle laws of this

1	and other states. The Commissioner may recall any permit or license issued to
2	a minor whenever he or she is satisfied, from information provided by a
3	credible person and upon investigation, that the operator is mentally or
4	physically unfit or, because of his or her habits or record as to accidents or
5	convictions, is unsafe to be trusted with the operation of motor vehicles. On
6	recommendation of a diversion or reparative board, the Commissioner may
7	recall the learner's permit or junior operator's license of a person in a diversion
8	or reparative program for up to 30 days. The Commissioner shall also recall
9	any learner's permit or junior operator's license for 30 days when an operator
10	is adjudicated of a single texting violation under section 1099 of this title, 90
11	days following adjudication of a single speeding violation resulting in a three-
12	point assessment a total of at least three points has been accumulated, 90 days
13	when a total of at least six points has been accumulated, or 90 days when an
14	operator is adjudicated of a violation of subsection 614(c) or 615(a) of this
15	title. When a learner's permit or junior operator's license is so recalled, it shall
16	be reinstated upon expiration of a specific term, and, if required by the
17	Commissioner, when the person has passed a reexamination approved by the
18	Commissioner.

19

\* \* \*

1	* * * Effective Date * * *
1	* * * Effective Date * * *

- 2 Sec. 10. EFFECTIVE DATE
- 3 <u>This act shall take effect on July 1, 2020.</u>