

1 S.339

2 Representative Smith of Derby moves that the House propose to the Senate  
3 that the bill be amended as follows:

4 First: In Sec. 32, 23 V.S.A. § 1095a, in subdivision (d)(1) by striking out  
5 “\$100.00” and inserting in lieu thereof “~~\$100.00~~ \$25.00”, by striking out  
6 “\$200.00” and inserting in lieu thereof “~~\$200.00~~ \$50.00”, by striking out  
7 “\$250.00” and inserting in lieu thereof “~~\$250.00~~ \$50.00”, and by striking out  
8 “500.00” and inserting in lieu thereof “~~\$500.00~~ \$75.00”

9 Second: In Sec. 32, 23 V.S.A. § 1095a, by striking out subdivisions (d)(2)  
10 and (d)(3) in their entireties and inserting in lieu thereof the following:

11 (2) ~~A person~~ An individual convicted of violating this section ~~while~~  
12 ~~operating within the following areas~~ shall have ~~four~~ five points assessed  
13 against his or her driving record ~~for a first conviction and five points assessed~~  
14 ~~for a second or subsequent conviction:~~

15 ~~(A) a properly designated work zone in which construction,~~  
16 ~~maintenance, or utility personnel are present; or~~

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

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

1        Third: In Sec. 33, 23 V.S.A. § 1095b, by striking out subsection (c) in its  
2        entirety and inserting in lieu thereof the following:

3        (c) Penalties.

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

11           (2) ~~A person~~ An individual convicted of violating this section while  
12       operating within the following areas shall be subject to an additional civil  
13       penalty of \$250.00 and shall have four an additional five points assessed  
14       against his or her driving record ~~for a first conviction and five points assessed~~  
15       ~~for a second or subsequent conviction:~~

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

4           Fourth: In Sec. 34, 23 V.S.A. § 1099, by striking out subsection (c) in its  
5           entirety and inserting in lieu thereof:

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

13          (2) An individual convicted of violating this section while operating  
14          within the following areas shall be subject to an additional civil penalty of  
15          \$250.00 and shall have an additional five points assessed against his or her  
16          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 (3) Four points assessed for:

2 \* \* \*

3 (E) ~~§ 1095a(d)(2).~~ 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 (F) § 1099(c)(1). 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 (F) § 1099(c)(1). Texting—second and subsequent  
21 violations—outside work or school zone;



