

<u>S.339 (APBS)</u>	<u>Rep. Smith’s Proposal</u>
<p style="text-align: center;">* * * Use of Portable Electronic Devices in Work and School Zones * * *</p> <p>Sec. 32. 23 V.S.A. § 1095a is amended to read:</p> <p>§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES</p> <p>(a) A person <u>An individual</u> under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.</p> <p>(b) In addition, a person <u>an individual</u> under 18 years of age shall not use any portable electronic device while operating a motor vehicle on a public highway, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subsection:</p> <p style="text-align: center;">* * *</p> <p>(c) The prohibitions of this section shall not apply when use of a portable electronic device is necessary for a person <u>an individual</u> to communicate with law enforcement or emergency service personnel under emergency circumstances.</p>	<p style="text-align: center;">* * * Use of Portable Electronic Devices in Work and School Zones * * *</p> <p>Sec. 32. 23 V.S.A. § 1095a is amended to read:</p> <p>§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES</p> <p>(a) A person <u>An individual</u> under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.</p> <p>(b) In addition, a person <u>an individual</u> under 18 years of age shall not use any portable electronic device while operating a motor vehicle on a public highway, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subsection:</p> <p style="text-align: center;">* * *</p> <p>(c) The prohibitions of this section shall not apply when use of a portable electronic device is necessary for a person <u>an individual</u> to communicate with law enforcement or emergency service personnel under emergency circumstances.</p>

(d)(1) ~~A person~~ An individual who violates this section commits a traffic violation as defined in section 2302 of this title and 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.

(2) ~~A person~~ An individual convicted of violating this section while operating within the following areas shall be subject to a civil penalty of not less than \$200.00 and not more than \$400.00 for a first violation, and of not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation within any two-year period and shall have four points assessed against his or her driving record for a first ~~conviction~~ violation and five points assessed for a second or subsequent ~~conviction~~ violation:

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

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

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

(d)(1) ~~A person~~ An individual who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a civil penalty of not less than ~~\$100.00~~ \$25.00 and not more than ~~\$200.00~~ \$50.00 for a first violation, and of not less than ~~\$250.00~~ \$50.00 and not more than ~~\$500.00~~ \$75.00 for a second or subsequent violation within any two-year period.

(2) ~~A person~~ An individual convicted of violating this section while operating within the following areas shall

~~have four points~~ have four five points assessed against his or her driving record for a first ~~conviction~~ and five points assessed for a second or subsequent conviction:

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

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

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

Sec. 33. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC
DEVICE PROHIBITED

* * *

(b) Use of handheld portable electronic device prohibited.

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

(2) In addition, ~~a person~~ an individual shall not use a portable electronic device while operating a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):

* * *

(3) The prohibitions of this subsection shall not apply:

* * *

(C) When use of a portable electronic device is necessary for ~~a person~~ an individual to communicate with law enforcement or emergency service personnel under emergency circumstances.

Sec. 33. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC
DEVICE PROHIBITED

* * *

(b) Use of handheld portable electronic device prohibited.

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

(2) In addition, ~~a person~~ an individual shall not use a portable electronic device while operating a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):

* * *

(3) The prohibitions of this subsection shall not apply:

* * *

(C) When use of a portable electronic device is necessary for ~~a person~~ an individual to communicate with law enforcement or emergency service personnel under emergency circumstances.

* * *

(c) Penalties.

(1) ~~A person~~ An individual who violates this section commits a traffic violation and shall be subject to a ~~fine~~ 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.

(2) ~~A person~~ An individual convicted of violating this section while operating within the following areas shall be subject to a civil penalty of not less than \$200.00 and not more than \$400.00 for a first violation, and of not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation within any two-year period and shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

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

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

(3) ~~A person~~ An individual convicted of violating this section outside the areas designated in subdivision (2) of this

* * *

(c) Penalties.

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

(2) ~~A person~~ An individual convicted of violating this section while operating within the following areas shall be subject to an additional civil penalty of \$250.00

and shall have ~~four~~ an additional five points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

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

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

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

<p>subsection shall have two points assessed against his or her driving record.</p> <p>(d)(1) Operators of commercial motor vehicles shall be governed by the provisions of chapter 39 of this title (Commercial Driver License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones and texting while operating a commercial motor vehicle.</p> <p>(2) A person <u>An individual</u> shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same incident.</p>	<p>(d)(1) Operators of commercial motor vehicles shall be governed by the provisions of chapter 39 of this title (Commercial Driver License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones and texting while operating a commercial motor vehicle.</p> <p>(2) A person <u>An individual</u> shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same incident.</p>
<p>Sec. 34. 23 V.S.A. § 1099 is amended to read:</p> <p>§ 1099. TEXTING PROHIBITED</p> <p style="text-align: center;">* * *</p> <p>(b)(1) A person <u>An individual</u> shall not engage in texting while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.</p> <p>(2) In addition, a person <u>an individual</u> shall not engage in texting while operating a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless</p>	<p>Sec. 34. 23 V.S.A. § 1099 is amended to read:</p> <p>§ 1099. TEXTING PROHIBITED</p> <p style="text-align: center;">* * *</p> <p>(b)(1) A person <u>An individual</u> shall not engage in texting while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.</p> <p>(2) In addition, a person <u>an individual</u> shall not engage in texting while operating a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless</p>

otherwise provided under this section. As used in this subdivision (b)(2):

* * *

(c)(1) ~~A person~~ An individual who violates this section commits a traffic violation as defined in section 2302 of this title and 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.

(2) An individual convicted of violating this section while operating within the following areas shall be subject to a civil penalty of not less than \$200.00 and not more than \$400.00 for a first violation, and of not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation within any two-year period and shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

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

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

otherwise provided under this section. As used in this subdivision (b)(2):

* * *

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

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

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

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

<p><u>(3) An individual convicted of violating this section outside the areas designated in subdivision (2) of this subsection shall have two points assessed against his or her driving record.</u></p>										
<p>Sec. 35. 23 V.S.A. § 2502 is amended to read:</p> <p>§ 2502. POINT ASSESSMENT; SCHEDULE</p> <p>(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)</p> <p>(1) Two points assessed for:</p> <p style="text-align: center;">* * *</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%; vertical-align: top;"><u>(MM)</u></td> <td style="width: 35%; vertical-align: top;"><u>§ 1099(c)(3).</u></td> <td style="width: 50%; vertical-align: top;"><u>Texting outside work or school zone;</u></td> </tr> </table> <p style="text-align: center;">* * *</p>	<u>(MM)</u>	<u>§ 1099(c)(3).</u>	<u>Texting outside work or school zone;</u>	<p>Sec. 35. 23 V.S.A. § 2502 is amended to read:</p> <p>§ 2502. POINT ASSESSMENT; SCHEDULE</p> <p>(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)</p> <p>(1) Two points assessed for:</p> <p style="text-align: center;">* * *</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%; vertical-align: top;"><u>(LL)(i)</u></td> <td style="width: 35%; vertical-align: top;"><u>§ 1095.</u></td> <td style="width: 50%; vertical-align: top;"><u>Entertainment picture visible to operator;</u></td> </tr> <tr> <td style="width: 15%; vertical-align: top;"><u>(ii)</u></td> <td style="width: 35%; vertical-align: top;"><u>§ 1095a(d)(3).</u></td> <td style="width: 50%; vertical-align: top;"><u>Junior operator use of portable electronic device outside work or school zone;</u></td> </tr> </table>	<u>(LL)(i)</u>	<u>§ 1095.</u>	<u>Entertainment picture visible to operator;</u>	<u>(ii)</u>	<u>§ 1095a(d)(3).</u>	<u>Junior operator use of portable electronic device outside work or school zone;</u>
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<p>(3) Four points assessed for:</p> <p style="text-align: center;">* * *</p> <p>(G) § 1099(c)(2). <u>Texting in work or school zone—first offense;</u></p> <p>(4) Five points assessed for:</p> <p style="text-align: center;">* * *</p> <p>(C) § 1099(c)(2). Texting prohibited</p>	<p>(iii) § 1095b(e)(3). Use of portable electronic device outside work or school zone;</p> <p style="text-align: center;">* * *</p> <p>(3) Four points assessed for:</p> <p style="text-align: center;">* * *</p> <p>(E) § 1095a(d)(2). Junior operator use of portable electronic device in work or school zone—first offense;</p> <p>(F) § 1095b(c)(2)(1). Use of portable electronic device in work or school zone—first offense violation—outside work or school zone;</p> <p>(F) § 1099(c)(1). <u>Texting—first violation—outside work or school zone;</u></p> <p>(4) Five points assessed for:</p> <p style="text-align: center;">* * *</p> <p>(D) § 1095a(d)(2). Junior operator use of</p>
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<p><u>in work or school zone—second and subsequent offense;</u></p> <p>* * *</p>	<p><u>portable electronic device in work or school zone second and subsequent offenses;</u></p> <p><u>(E) § 1095b(c)(2)(1).</u> <u>Use of portable electronic device in work or school zone—second and subsequent offenses violations—outside work or school zone;</u></p> <p><u>(F) § 1099(c)(1).</u> <u>Texting—second and subsequent violations—outside work or school zone;</u></p> <p><u>(5) Nine points assessed for:</u></p> <p><u>(A) § 1095b(c)(2).</u> <u>Handheld use of portable electronic device—first violation—inside work or school zone;</u></p> <p><u>(B) § 1099(c)(2).</u> <u>Texting—first violation inside work or school zone;</u></p> <p><u>(5)(6) Ten points assessed for:</u></p> <p>* * *</p>
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(F) § 1095b(c)(2). Handheld use of portable electronic device—second and subsequent violations—inside work or school zone;

(G) § 1099(c)(2). Texting—second and subsequent violations—inside work or school zone;

(6)(7) Two points assessed for sections 1003 and 1007. State speed zones and local speed limits, less than 10 miles per hour over and in excess of speed limit;

(7)(8) Three points assessed for sections 1003 and 1007. State speed zones and local speed limits, more than 10 miles per hour over and in excess of speed limit;

(8)(9) Five points assessed for sections 1003 and 1007. State speed zones and local speed limits, more than 20 miles per hour over and in excess of speed limit;

(9)(10) Eight points assessed for sections 1003 and 1007. State speed zones and local speed limits, more than 30 miles per hour over and in excess of the speed limit.

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