

Distracted Driving Laws – Penalties, Points, and Suspensions

Law	Civil Penalties	Points ¹
Junior operator use of portable electronic devices 23 V.S.A. § 1095a ²	<u>1st Offense:</u> Not less than \$100 nor more than \$200 <u>Subsequent Offense (within 2 years):</u> Not less than \$250 nor more than \$500 ³ <u>Waiver Penalties⁴:</u> <ul style="list-style-type: none"> • 1st Offense: \$220 (outside work or school zone); \$230 (inside work or school zone) • Subsequent Offense (within 2 years): \$450 (outside work or school zone); \$507 (inside work or school zone) 	<u>1st Offense:</u> <ul style="list-style-type: none"> • 4 points (inside work or school zone) • 2 points (outside work or school zone) <u>Subsequent Offense (within 2 years):</u> <ul style="list-style-type: none"> • 5 points (inside work or school zone) • 2 points (outside work or school zone)⁵
Handheld use of portable electronic devices (all persons) 23 V.S.A. § 1095b ⁶	<u>1st Offense:</u> Not less than \$100 nor more than \$200 <u>Subsequent Offense (within 2 years):</u> Not less than \$250 nor more than \$500 ⁷ <u>Waiver Penalties:</u> <ul style="list-style-type: none"> • 1st Offense: \$162 (outside work or school zone); \$230 (inside work or school zone) • Subsequent Offense (within 2 years): \$392 (outside work or school zone); \$507 (inside work or school zone) 	<u>1st Offense:</u> <ul style="list-style-type: none"> • 4 points (inside work or school zone) • 2 points (outside work or school zone) <u>Subsequent Offense (within 2 years):</u> <ul style="list-style-type: none"> • 5 points (inside work or school zone) • 2 points (outside work or school zone)⁸

¹ List of all points is contained in 23 V.S.A. § 2502 (available here: <https://legislature.vermont.gov/statutes/section/23/025/02502>) and, usually, the corresponding statute. If no point assessment is specified for a moving violation then the default assessment is two points. 23 V.S.A. § 2502(a)(1)(FFF).

² Available here: <https://legislature.vermont.gov/statutes/section/23/013/01095a>.

³ 23 V.S.A. § 1095a(d)(1).

⁴ All waiver penalties listed on the Vermont Judiciary's website, available here: https://www.vermontjudiciary.org/sites/default/files/documents/Waiver_Penalty_Schedule_2019_Website_Rev6.pdf.

⁵ 23 V.S.A. § 1095a(d)(2), (3).

⁶ Available here: <https://legislature.vermont.gov/statutes/section/23/013/01095b>.

⁷ 23 V.S.A. § 1095b(c)(1).

⁸ 23 V.S.A. § 1095b(c)(2), (3).

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Texting prohibited (all persons) 23 V.S.A. § 1099 ⁹	<p><u>1st Offense</u>: Not less than \$100 nor more than \$200</p> <p><u>Subsequent Offense (within 2 years)</u>: Not less than \$250 nor more than \$500¹⁰</p> <p><u>Waiver Penalties</u>:</p> <ul style="list-style-type: none"> • 1st Offense: \$230 (inside and outside work or school zone) • Subsequent Offense (within 2 years): \$479 (inside and outside work or school zone) 	5 points ¹¹
Texting violations; handheld mobile telephone violations (CDL) 23 V.S.A. § 4125 ¹²	<p>Civil penalty not specified, so the maximum is \$1,000</p> <p><u>Waiver Penalty</u>: \$392</p>	2 points (default)

Suspensions:

- An adult operator who accumulates 10 points or more from traffic violations within a two-year period is subject to a 10-day suspension, with increasing suspension times for each additional five points.¹³
- Learner’s permits and junior operator’s licenses are subject to a 90-day recall after six points are accumulated.¹⁴
- Learner’s permits and junior operator’s licenses are subject to a 30-day recall after one texting conviction.¹⁵
- Texting or using a handheld mobile telephone while driving is a “serious traffic violation” under the CDL law.¹⁶ Two serious traffic violations within a three-year period triggers a 60-day suspension from operating a commercial motor vehicle, and three or more serious traffic violations within a three-year period triggers a 120-day suspension from operating a commercial motor vehicle.¹⁷

⁹ Available here: <https://legislature.vermont.gov/statutes/section/23/013/01099>.

¹⁰ 23 V.S.A. § 1099(c).

¹¹ 23 V.S.A. § 2502(a)(4)(C).

¹² Available here: <https://legislature.vermont.gov/statutes/section/23/039/04125>.

¹³ 23 V.S.A. §§ 2505–06 (available here: <https://legislature.vermont.gov/statutes/section/23/025/02505>; <https://legislature.vermont.gov/statutes/section/23/025/02506>).

¹⁴ 23 V.S.A. § 607a(a) (available here: <https://legislature.vermont.gov/statutes/section/23/009/00607a>).

¹⁵ 23 V.S.A. § 607a(a).

¹⁶ 23 V.S.A. § 4103(16)(I)–(J) (available here: <https://legislature.vermont.gov/statutes/section/23/039/04103>).

¹⁷ 23 V.S.A. § 4116a(d) (available here: <https://legislature.vermont.gov/statutes/section/23/039/04116a>).