

1 * * * Speeding in Work and School Zones * * *

2 Sec. 1. 23 V.S.A. § 1006a(d) is amended to read:

3 (d) Notwithstanding the ~~limit~~ maximum penalty established in section 2302
4 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the
5 civil penalty for ~~violation of~~ violating a speed ~~limits~~ limit established under
6 subsection (b) of this section shall be ~~twice~~ triple the penalty for a non-
7 worksite speed ~~violations~~ limit violation.

8 Sec. 2. 23 V.S.A. § 1010(b) is amended to read:

9 (b) Notwithstanding the ~~limit~~ maximum penalty established in section 2302
10 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the
11 civil penalty for ~~violation of~~ violating a speed ~~limits~~ limit established under the
12 worksite provision of this section shall be ~~twice~~ triple the penalty for a non-
13 worksite speed ~~violations~~ limit violation.

14 Sec. 3. 23 V.S.A. § 1081 is amended to read:

15 § 1081. BASIC RULE AND MAXIMUM LIMITS; SCHOOL ZONES

16 * * *

17 (e) Notwithstanding the maximum penalty established in subsection
18 2302(c) of this title and the waiver penalties established pursuant to 4 V.S.A.
19 § 1102(d), the civil penalty for violating a State or municipal speed limit in a
20 school zone designated with signs in accordance with 19 V.S.A. § 921 shall be
21 triple the penalty for a non-school zone speed limit violation.

* * * Distracted Driving * * *

Sec. 4. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
DEVICES

(a) ~~A person~~ An individual 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.

(b) In addition, ~~a person~~ an individual 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:

* * *

(c) The prohibitions of this section shall not apply 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.

(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

1 ~~\$500.00~~ \$75.00 for a second or subsequent violation within any two-year
2 period.

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

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

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

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

14 Sec. 5. 23 V.S.A. § 1095b is amended to read:

15 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

16 PROHIBITED

17 * * *

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

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

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

5 * * *

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

7 * * *

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

11 * * *

12 (c) Penalties.

13 (1) ~~A person~~ An individual who violates this section commits a traffic
14 violation as defined in section 2302 of this title and shall be subject to a ~~fine~~
15 civil penalty of not less than ~~\$100.00 and not more than \$200.00~~ \$250.00 and
16 shall have four points assessed against his or her driving record for a first
17 violation, and shall be subject to a civil penalty of not less than ~~\$250.00 and~~
18 ~~not more than \$500.00~~ and shall have five points assessed against his or her
19 driving record for a second or subsequent violation within any two-year period.

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

1 penalty of \$250.00 and shall have ~~four~~ an additional five points assessed
2 against his or her driving record ~~for a first conviction and five points assessed~~
3 ~~for a second or subsequent conviction:~~

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

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

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

11 (d)(1) Operators of commercial motor vehicles shall be governed by the
12 provisions of chapter 39 of this title (Commercial Driver License Act) instead
13 of the provisions of this chapter with respect to the handheld use of mobile
14 telephones and texting while operating a commercial motor vehicle.

15 (2) ~~A person~~ An individual shall not be issued more than one complaint
16 for any violation of this section, section 1095a of this title (junior operator use
17 of portable electronic devices), or section 1099 of this title (texting prohibited)
18 that arises from the same incident.

19 Sec. 6. 23 V.S.A. § 1099 is amended to read:

20 § 1099. TEXTING PROHIBITED

21 * * *

1 (b)(1) ~~A person~~ An individual shall not engage in texting while operating a
2 moving motor vehicle in a place open temporarily or permanently to public or
3 general circulation of vehicles.

4 (2) In addition, ~~a person~~ an individual shall not engage in texting while
5 operating a motor vehicle on a public highway in Vermont, including while the
6 vehicle is stationary, unless otherwise provided under this section. As used in
7 this subdivision (b)(2):

8 * * *

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

16 (2) An individual convicted of violating this section while operating
17 within the following areas shall be subject to an additional civil penalty of
18 \$250.00 and shall have an additional five points assessed against his or her
19 driving record:

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

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

3 (3) Notwithstanding subsection 2502(b) of this title, an individual who
4 causes an accident resulting in property damage, injury, or death because he or
5 she violated this section shall be subject to a civil penalty of not less than
6 \$500.00 and shall have ten points assessed against his or her driving record.

7 Sec. 7. 23 V.S.A. § 4125 is amended to read:

8 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE
9 VIOLATIONS

10 * * *

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

13 * * *

14 (3) No ~~person~~ individual may be issued traffic complaints alleging a
15 violation of this section and a violation of section 1099 of this title from the
16 same incident.

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

20 * * *

21 (e) Penalties.

1 (1) An individual who violates this section commits a traffic violation as
2 defined in section 2302 of this title and shall be subject to a civil penalty of not
3 less than \$500.00 and shall have five points assessed against his or her driving
4 record.

5 (2) An individual convicted of violating this section while operating
6 within the following areas shall have an additional five points assessed against
7 his or her driving record:

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 * * * Point Assessment * * *

13 Sec. 8. 23 V.S.A. § 2502 is amended to read:

14 § 2502. POINT ASSESSMENT; SCHEDULE

15 (a) Unless the assessment of points is waived by a Superior judge or a
16 Judicial Bureau hearing officer in the interests of justice and in accordance
17 with subsection 2501(b) of this title, ~~a person~~ an individual operating a motor
18 vehicle shall have points assessed against his or her driving record for
19 convictions for moving violations of the indicated motor vehicle statutes in
20 accord with the following schedule: (All references are to Title 23 of the
21 Vermont Statutes Annotated.)

1 (1) Two points assessed for:

2 * * *

3 (LL)~~(I)~~ § 1095. Entertainment picture visible
4 to operator;

5 ~~(ii) § 1095a(d)(3).~~ Junior operator use of portable electronic
6 device outside work or school zone;

7 ~~(iii) § 1095b(c)(3).~~ Use of portable electronic device outside
8 work or school zone;

9 * * *

10 (3) Four points assessed for:

11 * * *

12 (E) ~~§ 1095a(d)(2).~~ Junior operator use of portable electronic
13 device in work or school zone—first
14 offense;

15 ~~(F) § 1095b(c)(2)(1).~~ Use of portable electronic device in
16 work or school zone—first offense
17 violation—outside work or school zone;

18 (F) § 1099(c)(1). Texting—first violation—outside work
19 or school zone;

20 (4) Five points assessed for:

21 * * *

1 (D) § 1095a(d)(2). Junior operator use of portable electronic
2 device ~~in work or school zone—second~~
3 ~~and subsequent offenses;~~

4 (E) § 1095b(c)~~(2)~~(1). Use of portable electronic device ~~in~~
5 ~~work or school zone—second and~~
6 ~~subsequent offenses~~ violations—outside
7 work or school zone;

8 (F) § 1099(c)(1). Texting—second and subsequent
9 violations—outside work or school zone;

10 (G) § 4125(e)(1). Texting violations; handheld mobile
11 telephone violations outside work or
12 school zone;

13 (5) Nine points assessed for:

14 (A) § 1095b(c)(2). Handheld use of portable electronic
15 device—first violation—inside work or
16 school zone;

17 (B) § 1099(c)(2). Texting—first violation—inside work or
18 school zone;

19 ~~(5)~~(6) Ten points assessed for:

20 * * *

21 (F) § 1095b(c)(2). Handheld use of portable electronic

1 device—second and subsequent
2 violations—inside work or school zone;
3 (G) § 1099(c)(2). Texting—second and subsequent
4 violations—inside work or school zone;
5 (H) § 1099(c)(3). Texting—accident resulting;
6 (I) § 4125(e)(2). Texting violations; handheld mobile
7 telephone violations outside work or
8 school zone;

9 ~~(6)~~(7) Two points assessed for sections 1003 and 1007; tripled inside
10 work or school zone. State speed zones and local speed limits, less than
11 10 miles per hour over and in excess of speed limit;

12 ~~(7)~~(8) Three points assessed for sections 1003 and 1007; tripled inside
13 work or school zone. State speed zones and local speed limits, more than
14 10 miles per hour over and in excess of speed limit;

15 ~~(8)~~(9) Five points assessed for sections 1003 and 1007; tripled inside
16 work or school zone. State speed zones and local speed limits, more than
17 20 miles per hour over and in excess of speed limit;

18 ~~(9)~~(10) Eight points assessed for sections 1003 and 1007; tripled inside
19 work or school zone. State speed zones and local speed limits, more than
20 30 miles per hour over and in excess of the speed limit.

21 * * *

1 * * * Recall of Learner's Permit or Junior Operator's License * * *

2 Sec. 9. 23 V.S.A. § 607a is amended to read:

3 § 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S
4 LICENSE

5 (a) A learner's permit or junior operator's license shall contain an
6 admonition that it is recallable and that the later procurement of an operator's
7 license is conditional on the establishment of a record which is satisfactory to
8 the Commissioner and showing compliance with the motor vehicle laws of this
9 and other states. The Commissioner may recall any permit or license issued to
10 a minor whenever he or she is satisfied, from information provided by a
11 credible person and upon investigation, that the operator is mentally or
12 physically unfit or, because of his or her habits or record as to accidents or
13 convictions, is unsafe to be trusted with the operation of motor vehicles. On
14 recommendation of a diversion or reparative board, the Commissioner may
15 recall the learner's permit or junior operator's license of a person in a diversion
16 or reparative program for up to 30 days. The Commissioner shall also recall
17 any learner's permit or junior operator's license for 30 days when ~~an operator~~
18 ~~is adjudicated of a single texting violation under section 1099 of this title, 90~~
19 ~~days following adjudication of a single speeding violation resulting in a three-~~
20 ~~point assessment~~ a total of at least three points has been accumulated, 90 days
21 when a total of at least six points has been accumulated, or 90 days when an

1 operator is adjudicated of a violation of subsection 614(c) or 615(a) of this
2 title. When a learner's permit or junior operator's license is so recalled, it shall
3 be reinstated upon expiration of a specific term, and, if required by the
4 Commissioner, when the person has passed a reexamination approved by the
5 Commissioner.

6 * * *

7 * * * Move Over Law; Approaching Work Zone * * *

8 Sec. 10. 23 V.S.A. § 1050 is amended to read:

9 § 1050. OPERATION ON APPROACH OF LAW ENFORCEMENT AND
10 EMERGENCY VEHICLES OR WHEN APPROACHING
11 STATIONARY LAW ENFORCEMENT AND EMERGENCY
12 VEHICLES OR WORK ZONE

13 (a) Approach of law enforcement and emergency vehicles. Upon the
14 approach of a law enforcement vehicle ~~which is~~ sounding a siren or displaying
15 a blue or blue and white signal lamp, or both, or upon the approach of an
16 ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, ~~EMS~~
17 ~~personnel~~, or a motor vehicle used in rescue operations as set forth in section
18 1252 of this title ~~which is~~ sounding a siren or displaying a red or red and white
19 signal lamp, or both, all other vehicles shall pull to the right of the lane of
20 traffic and come to a complete stop; until the law enforcement or emergency

1 vehicle has passed. ~~However, an enforcement officer who is present shall have~~
2 ~~full power to regulate traffic irrespective of the foregoing provisions.~~

3 (b) Approaching law enforcement and emergency vehicles. The operator
4 of a vehicle ~~which is~~ approaching a stationary law enforcement vehicle ~~which~~
5 is displaying a blue or blue and white signal lamp; ~~or of a vehicle which is~~
6 ~~approaching~~ a stationary ambulance, fire apparatus, a vehicle operated by a
7 volunteer firefighter, or a motor vehicle used in rescue operations as set forth
8 in section 1252 of this title ~~which is~~ displaying a red or red and white signal
9 lamp; or a stationary towing and repair vehicle displaying an amber signal
10 lamp; shall proceed with caution; and, if traveling on a ~~four-lane~~ multilane
11 highway; and safety conditions permit, make a lane change into a lane farther
12 away from the stationary vehicle. If the operator of the approaching vehicle
13 must remain in the lane adjacent to the stationary vehicle, then the operator
14 shall slow down to a reasonable, safe, and prudent speed given the safety
15 conditions and posted speed limit.

16 (c) Approaching work zone. The operator of a vehicle approaching a
17 properly designated work zone shall proceed with caution and slow down to a
18 reasonable, safe, and prudent speed given the safety conditions and posted
19 speed limit. If workers are only present on one side of a multilane highway
20 and safety conditions permit, the operator shall remain in or make a lane
21 change into a lane farther away from the workers.

1 (d) Authority of law enforcement. This section does not relieve the
2 operator of an authorized law enforcement or emergency vehicle from the duty
3 to drive with due regard for the safety of all persons using the highway or the
4 authority of law enforcement to regulate traffic irrespective of the foregoing
5 provisions.

6 * * * Work Zone Pilot Program * * *

7 Sec. 11. WORK ZONE SAFETY PILOT PROGRAM; REPORT

8 (a) Definitions. As used in this section:

9 (1) “Active data” means data gathered during the operation of an ALPR
10 system.

11 (2) “Automated license plate recognition system” or “ALPR system”
12 means a system of one or more mobile or fixed high-speed cameras combined
13 with computer algorithms to convert images of registration plates into
14 computer-readable data.

15 (3) “Automated speed enforcement system” means an electronic traffic
16 sensor system consisting of a speed timing device and an ALPR system that is
17 able to automatically detect motor vehicles exceeding the posted speed limit
18 and produce a recorded image that shows a clear and legible identification of
19 only the motor vehicle’s license plate; location; date and time; and moving
20 speed.

21 (4) “Properly posted active work zone” means a work zone that:

1 (A) has at least two conspicuously placed warning signs before the
2 work zone notifying individuals that an automated speed enforcement system
3 is in use;

4 (B) has workers present;

5 (C) has at least one conspicuously placed sign at the end of the work
6 zone;

7 (D) is disclosed on the Agency of Transportation's website; and

8 (E) Vermont State Police is aware of the dates and times when an
9 automated speed enforcement system will be in use.

10 (b) Pilot program design. The Agency of Transportation, in consultation
11 with the Department of Public Safety, shall design a pilot program to utilize
12 automated speed enforcement systems to issue warning letters and non-moving
13 violation complaints to owners of motor vehicles that are operated in excess of
14 10 miles over the speed limit in a properly posted active work zone on
15 Interstate 89 or 91, U.S. Route 2 or 7, or Vermont Route 15. The Agency shall
16 look to what other states are doing to address work zone speeding violations,
17 including Colorado, Illinois, Maryland, and Pennsylvania.

18 (c) Report. The Agency shall file a report with the House and Senate
19 Committees on Judiciary and Transportation on or before December 15, 2020
20 detailing the elements of the pilot program including:

21 (1) recommendations on:

1 (A) the contents of the warning letter, including any attached
2 documentation, and associated administrative responsibilities;

3 (B) how many warning letters should be sent before a traffic
4 violation complaint is issued;

5 (C) the civil penalty associated with the traffic violation and contents
6 of the complaint, including any attached documentation, and associated
7 administrative and enforcement responsibilities;

8 (D) safeguards to prevent the gathering and storage of active data or
9 data that is used for any purpose other than to issue warning letters and non-
10 moving violation complaints to owners of motor vehicles that are operated in
11 excess of 10 miles over the speed limit in a properly posted active work zone;

12 (E) safeguards to prevent the retention of data by the manufacturer or
13 operator of automated speed enforcement systems;

14 (F) safeguards to prevent video surveillance;

15 (G) training for operators of automated speed enforcement systems;

16 (H) annual calibration for automated speed enforcement systems;

17 (I) daily record keeping for operators of automated speed
18 enforcement systems, including when the system was activated, where it was
19 placed, and what self-tests were conducted as recommended by the
20 manufacturer;

- 1 (J) outreach to the traveling public prior to the pilot program
2 becoming operational, including what the requisite signage will be; and
3 (K) a judicial process for the owner to contest liability for a traffic
4 violation issued through the use of an automated speed enforcement system
5 and statutory defenses;
6 (2) a proposed schedule for implementation of the pilot program,
7 including rulemaking pursuant to 3 V.S.A. chapter 25; and
8 (3) proposed legislation necessary to support the pilot program and
9 ensure sufficient annual reporting back to the General Assembly.