





1 ~~five points assessed against his or her the individual's~~ driving record ~~for a first~~  
2 ~~conviction and five points assessed for a second or subsequent conviction:~~

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

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

7 (3) ~~An individual convicted of violating this section outside the areas~~  
8 ~~designated in subdivision (2) of this subsection shall have two points assessed~~  
9 ~~against his or her driving record. [Repealed.]~~

10 \* \* \*

11 Sec. 9c. 23 V.S.A. § 1099 is amended to read:

12 § 1099. TEXTING PROHIBITED

13 \* \* \*

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

1 (2) An individual convicted of violating this section while operating  
2 within the following areas shall be subject to a an additional civil penalty of  
3 ~~not less than \$200.00 and not more than \$400.00 for a first violation, and of~~  
4 ~~not less than \$500.00 and not more than \$1,000.00 for a second or subsequent~~  
5 ~~violation within any two year period~~ \$250.00 and shall have ~~four~~ an additional  
6 five points assessed against his or her the individual's driving record ~~for a first~~  
7 ~~conviction and five points assessed 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) ~~An individual 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~~ Notwithstanding subsection 2502(b) of this  
15 title, an individual who causes a crash resulting in property damage, injury, or  
16 death because the individual violated this section shall be subject to a civil  
17 penalty of not less than \$500.00 and shall have ten points assessed against the  
18 individual's driving record.

19 Sec. 9d. 23 V.S.A. § 4125 is amended to read:

20 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE  
21 VIOLATIONS

1 \* \* \*

2 (b) General prohibition on texting.

3 \* \* \*

4 (3) No ~~person~~ operator may be issued traffic complaints alleging a  
5 violation of this section and a violation of section 1099 of this title from the  
6 same incident.

7 \* \* \*

8 (e) Penalties.

9 (1) An operator 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 the individual's  
12 driving record.

13 (2) An operator convicted of violating this section while operating  
14 within the following areas shall have an additional five points assessed against  
15 the individual's 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 Assessments \* \* \*

2 Sec. 9e. 23 V.S.A. § 2502(a) is amended to read:

3 (a) Unless the assessment of points is waived by a Superior judge or a  
4 Judicial Bureau hearing officer in the interests of justice and in accordance  
5 with subsection 2501(b) of this title, a person an individual operating a motor  
6 vehicle shall have points assessed against his or her the individual's driving  
7 record for convictions for moving violations of the indicated motor vehicle  
8 statutes in accord with the following schedule: (All references are to this title  
9 of the Vermont Statutes Annotated.)

10 (1) Two points assessed for:

11 \* \* \*

12 (LL)(+) § 1095. Entertainment picture visible  
13 to operator;

14 (ii) — § 1095a(d)(3). Junior operator use of  
15 portable electronic device  
16 outside work or school zone;

17 (iii) — § 1095b(e)(3). Use of portable electronic  
18 device outside work or school  
19 zone;

20 (MM) § 1099(e)(3) Texting outside work or  
21 school zone; [Repealed.]

1 \* \* \*

2 (3) Four points assessed for:

3 \* \* \*

4 (E) § ~~1095a(d)(2)~~ Junior operator use of  
5 portable electronic device in  
6 work or school zone—first  
7 offense;

8 ~~(F)~~ § 1095b(c)~~(2)~~(1). Use Handheld use of portable  
9 electronic device ~~in~~ outside work or  
10 school zone—first ~~offense~~ violation;

11 ~~(G)~~(F) § 1099(c)~~(2)~~(1). Texting ~~in~~ outside work or school  
12 zone—first ~~offense~~ violation;

13 (G) [Repealed.]

14 (4) Five points assessed for:

15 \* \* \*

16 (C) § 1099(c)~~(2)~~(1). Texting ~~in~~ outside work or school  
17 zone—second and subsequent ~~offense~~  
18 violations;

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

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

5 (F) § 4125(e)(1). Texting violations; handheld mobile  
6 telephone violations outside work or  
7 school zone;

8 (5) Nine points assessed for:

9 (A) § 1095b(c)(2). Handheld use of portable electronic  
10 device in work or school zone—  
11 first violation;

12 (B) § 1099(c)(2). Texting in work or school zone—  
13 first violation;

14 (6) Ten points assessed for:

15 \* \* \*

16 (F) § 1095b(c)(2). Handheld use of portable electronic  
17 device in work or school zone—  
18 second and subsequent violations;

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

21 (H) § 1099(c)(3). Texting—crash resulting;





1 (C) the suspension of the individual’s operator’s license or privilege  
2 to operate by the Commissioner; or

3 (D) substantially increased insurance rates;

4 (3) no money should be submitted to pay any penalty until after  
5 adjudication; and

6 (4) the individual shall notify the Diversion Program if the individual’s  
7 address changes.

8 (b) Summons and complaint. When an individual is issued a notice of  
9 violation under subsection (a) of this section, the law enforcement officer shall  
10 complete a summons and complaint for the violation and send it to the  
11 Diversion Program in the county where the violation occurred. The summons  
12 and complaint shall not be filed with the Judicial Bureau at that time.

13 (c) Registration in Distracted Driving Diversion Program. Within 15 days  
14 after receiving a notice of violation, the individual shall contact the Diversion  
15 Program in the county where the violation occurred and register for the  
16 Distracted Driving Diversion Program. If the individual fails to do so, the  
17 Diversion Program shall file the summons and complaint with the Judicial  
18 Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program  
19 shall provide a copy of the summons and complaint to the law enforcement  
20 officer who issued the notice of violation and shall provide two copies to the  
21 individual charged with the violation.

1 (d) Notice to report to Diversion Program. Upon receipt from a law  
2 enforcement officer of a summons and complaint completed under subsection  
3 (b) of this section, the Diversion Program shall send the individual a notice to  
4 report to the Diversion Program and meet with Diversion Program staff to:

5 (1) assess the individual's risk for future traffic violations;

6 (2) identify factors that contributed to previous traffic violations; and

7 (3) develop a contract to be presented to the Judicial Bureau for review

8 that may include one or more of the following:

9 (A) completion of a driving education program approved by the

10 Vermont State Highway Safety Office;

11 (B) any other conditions related to the distracted driving traffic

12 violation; or

13 (C) a fee, not to exceed \$50.00 in the case of a violation of section

14 1095a of this title and not to exceed \$100.00 in the case of a violation of

15 section 1095b or 1099 of this title, determined using a sliding scale based on

16 the financial means of the individual, to be deposited in the Distracted Driving

17 Diversion Program Special Fund established pursuant to 23 V.S.A. § 2306.

18 (e) Referral to the Judicial Bureau. If an individual issued the notice of

19 violation under subsection (a) of this section does not satisfactorily comply

20 with the Diversion Program contract and other conditions related to the

21 violation imposed by the Diversion Program, the Diversion Program shall file

1 the summons and complaint completed pursuant to subsection (b) of this  
2 section with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29.  
3 The Diversion Program shall provide a copy of the summons and complaint to  
4 the law enforcement officer who issued the notice of violation and shall  
5 provide two copies to the individual charged with the violation.

6 (g) Satisfactory compliance with the Diversion Program. If the individual  
7 satisfactorily complies with the Diversion Program contract and other  
8 conditions related to the violation imposed by the Diversion Program, the  
9 individual shall be convicted of the traffic violation but only subject to a civil  
10 penalty of \$1.00 and no assessment of points.

11 (h) Appeals. An individual aggrieved by a decision of the Diversion  
12 Program may seek review of that decision pursuant to Rule 75 of the Vermont  
13 Rules of Civil Procedure.

14 Sec. 9g. 23 V.S.A. § 2306 is added to read:

15 § 2306. DISTRACTED DRIVING DIVERSION PROGRAM SPECIAL

16 FUND

17 There is established the Distracted Driving Diversion Program Special  
18 Fund, which shall be managed in accordance with 32 V.S.A. chapter 7,  
19 subchapter 5. Fees collected pursuant to 23 V.S.A. § 2304 shall be deposited  
20 and credited to this Fund. This Fund shall be available to the Attorney General  
21 to enter into memorandums of understanding with diversion programs to pay

1 for contractual and operating expenses and project-related staffing related to  
2 the Distracted Driving Diversion Program.

3 **Sec. 9h. APPROVAL OF DRIVING EDUCATION PROGRAMS**

4 The Vermont State Highway Safety Office, in consultation with the  
5 Department of Public Safety and the Vermont Sheriffs' Association, shall  
6 approve at least one driving education program that shall be sufficient for  
7 purposes of 23 V.S.A. § 2304(d)(3)(A), as added by this act, in each county  
8 within the State on or before January 1, 2023.

9 \* \* \* Recall of Learner's Permit or Junior Operator's License \* \* \*

10 Sec. 9i. 23 V.S.A. § 607a(a) is amended to read:

11 (a) A learner's permit or junior operator's license shall contain an  
12 admonition that it is recallable and that the later procurement of an operator's  
13 license is conditional on the establishment of a record that is satisfactory to the  
14 Commissioner and showing compliance with the motor vehicle laws of this  
15 and other states. The Commissioner may recall any permit or license issued to  
16 a minor whenever he or she the Commissioner is satisfied, from information  
17 provided by a credible person individual and upon investigation, that the  
18 operator is mentally or physically unfit or, because of his or her the operator's  
19 habits or record as to accidents or convictions, is unsafe to be trusted with the  
20 operation of motor vehicles. On recommendation of a diversion or reparative  
21 board, the Commissioner may recall the learner's permit or junior operator's

1 license of ~~a person~~ an individual in a diversion or reparative program for up to  
2 30 days. The Commissioner shall also recall any learner’s permit or junior  
3 operator’s license for 30 days when ~~an operator is adjudicated of a single~~  
4 ~~texting violation under section 1099 of this title, 90 days following~~  
5 ~~adjudication of a single speeding violation resulting in a three point assessment~~  
6 a total of at least three points has been accumulated, 90 days when a total of at  
7 least six points has been accumulated, or 90 days when an operator is  
8 adjudicated of a violation of subsection 614(c) or 615(a) of this title. When a  
9 learner’s permit or junior operator’s license is so recalled, it shall be reinstated  
10 upon expiration of a specific term and, if required by the Commissioner, when  
11 the ~~person~~ individual has passed a reexamination approved by the  
12 Commissioner.