

Distracted Driving Laws – Penalties, Points, and Suspensions

Law	Civil Penalties	Points ¹
Junior operator use of portable electronic devices 23 V.S.A. § 1095a	<u>1st Offense:</u> <ul style="list-style-type: none"> • Not less than \$100 nor more than \$200 (outside work or school zone) • Not less than \$200 nor more than \$400 (inside work or school zone) <u>Subsequent Offense (within 2 years):</u> <ul style="list-style-type: none"> • Not less than \$250 nor more than \$500 (outside work or school zone) • Not less than \$500 nor more than \$1,000 (inside work or school zone)² <u>Waiver Penalties:</u> ³ <ul style="list-style-type: none"> • 1st Offense: \$220 (outside work or school zone); \$392 (inside work or school zone) • Subsequent Offense (within 2 years): \$450 (outside work or school zone); \$910 (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)⁴
Handheld use of portable electronic devices 23 V.S.A. § 1095b	<u>1st Offense:</u> <ul style="list-style-type: none"> • Not less than \$100 nor more than \$200 (outside work or school zone) • Not less than \$200 nor more than \$400 (inside work or school zone) <u>Subsequent Offense (within 2 years):</u> <ul style="list-style-type: none"> • Not less than \$250 nor more than \$500 (outside work or school zone) • Not less than \$500 nor more than \$1,000 (inside work or school zone)⁵ <u>Waiver Penalties:</u> <ul style="list-style-type: none"> • 1st Offense: \$162 (outside work or school zone); \$392 (inside work or school zone) • Subsequent Offense (within 2 years): \$392 (outside work or school zone); \$910 (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)⁶

¹ List of all points is contained in [23 V.S.A. § 2502](#) 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 23 V.S.A. § 1095a(d)(1).

³ [Judicial Bureau Waiver Penalties \(revised 8/10/21\)](#).

⁴ 23 V.S.A. § 1095a(d)(2), (3).

⁵ 23 V.S.A. § 1095b(c)(1).

⁶ 23 V.S.A. § 1095b(c)(2), (3).

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Texting prohibited 23 V.S.A. § 1099	<p><u>1st Offense:</u></p> <ul style="list-style-type: none"> • Not less than \$100 nor more than \$200 (outside work or school zone) • Not less than \$200 nor more than \$400 (inside work or school zone) <p><u>Subsequent Offense (within 2 years):</u></p> <ul style="list-style-type: none"> • Not less than \$250 nor more than \$500 (outside work or school zone) • Not less than \$500 nor more than \$1,000 (inside work or school zone)⁷ <p><u>Waiver Penalties:</u></p> <ul style="list-style-type: none"> • 1st Offense: \$230 (outside work or school zone); \$392 (inside work or school zone) • Subsequent Offense (within 2 years): \$479 (outside work or school zone); \$910 (inside work or school zone) 	<p><u>1st Offense:</u></p> <ul style="list-style-type: none"> • 4 points (inside work or school zone) • 2 points (outside work or school zone) <p><u>Subsequent Offense (within 2 years):</u></p> <ul style="list-style-type: none"> • 5 points (inside work or school zone) • 2 points (outside work or school zone)⁸
Texting/handheld mobile telephone violations (CDL) 23 V.S.A. § 4125	Civil penalty not specified, so the maximum is \$1,000 <u>Waiver Penalty:</u> \$392	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.⁹
- Learner’s permits and junior operator’s licenses are subject to a 90-day recall after six points are accumulated.¹⁰
- Learner’s permits and junior operator’s licenses are subject to a 30-day recall after one texting conviction.¹¹
- Texting or using a handheld mobile telephone while driving is a “serious traffic violation” under the CDL law.¹² 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.¹³

⁷ 23 V.S.A. § 1099(c).

⁸ 23 V.S.A. § 1099(c)(2), (3).

⁹ 23 V.S.A. §§ [2505](#) and [2506](#).

¹⁰ 23 V.S.A. § [607a\(a\)](#).

¹¹ 23 V.S.A. § 607a(a).

¹² [23 V.S.A. § 4103\(16\)\(I\)–\(J\)](#).

¹³ [23 V.S.A. § 4116a\(d\)](#).