

1 H.38

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; distracted driving; cellphones; handheld portable  
6 electronic devices

7 Statement of purpose of bill as introduced: This bill proposes to define what it  
8 means to use a handheld portable electronic device in non-hands-free mode  
9 while operating a motor vehicle.

10 An act relating to the use of a portable electronic device in non-hands-free  
11 mode while operating a motor vehicle

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 23 V.S.A. § 1095b is amended to read:

14 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

15 PROHIBITED

16 (a) ~~Definition~~ Definitions. As used in this section, ~~“hands-free”~~:

17 (1) “Hands-free use” means the use of a portable electronic device  
18 without use of either hand by employing an internal feature of, or an  
19 attachment to, the device.

1           (2) “Non-hands-free use” means the use of a portable electronic device  
2           in any way that is not a hands-free use, including an operator of a motor  
3           vehicle holding a portable electronic device in the operator’s hand or hands  
4           while operating a motor vehicle.

5           (3) “Operating” means operating a motor vehicle on a public highway,  
6           including while temporarily stationary because of traffic, a traffic control  
7           device, or other temporary delays. “Operating” does not include operating a  
8           motor vehicle with or without the motor running when the operator has moved  
9           the vehicle to the side of or off the public highway and has halted in a location  
10           where the vehicle can safely and lawfully remain stationary.

11           (4) “Public highway” means a State or municipal highway as defined in  
12           19 V.S.A. § 1(12).

13           (5) “Securely mounted” means the portable electronic device is placed  
14           in an accessory or location in the vehicle, other than the operator’s hand or  
15           hands, where the device will remain stationary under typical driving  
16           conditions.

17           (b) Use of handheld portable electronic device in a non-hands-free use is  
18           prohibited.

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

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

5                   (A) ~~“Public highway” means a State or municipal highway as defined~~  
6                   ~~in 19 V.S.A. § 1(12).~~

7                   (B) ~~“Operating” means operating a motor vehicle on a public~~  
8                   ~~highway, including while temporarily stationary because of traffic, a traffic~~  
9                   ~~control device, or other temporary delays. “Operating” does not include~~  
10                  ~~operating a motor vehicle with or without the motor running when the operator~~  
11                  ~~has moved the vehicle to the side of or off the public highway and has halted in~~  
12                  ~~a location where the vehicle can safely and lawfully remain stationary.~~

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

14                   (A) ~~To~~ to hands-free use;

15                   (B) ~~To~~ to activation or deactivation of hands-free use, ~~as long as~~  
16                  provided the handheld portable electronic device is securely mounted in a way  
17                  that does not require that the handheld portable electronic device be held in the  
18                  hand or hands of the operator of the motor vehicle and provided any accessory  
19                  for securely mounting the device is not affixed to the windshield in violation of  
20                  section 1125 of this title;

