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HIGHLIGHTING INDICATES A CHANGE FROM

H.38 (AS INTRODUCED)]

*** * * Distracted Driving; Hands-Free Use * * ***

Sec. 18. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
PROHIBITED

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

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

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

(3) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed to support the hands-free use of a portable electronic device that:

(A) is utilized in accordance with manufacturer specifications;

(B) causes the portable electronic device to remain completely stationary under typical driving conditions; and

(C) is not affixed to the windshield in violation of section 1125 of this title.

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

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

6 (1) An individual shall not use a portable electronic device while
7 operating:

8 (A) a moving motor vehicle in a place open temporarily or
9 permanently to public or general circulation of vehicles; or

10 ~~(2) In addition, an individual shall not use a portable electronic device~~
11 ~~while operating~~

12 (B) a motor vehicle on a public highway in Vermont, including while
13 the vehicle is stationary, ~~unless otherwise provided in this section.~~ As used in
14 this subdivision (b)(2):

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

17 (B) ~~“Operating” means operating a motor vehicle on a public~~
18 ~~highway, including while temporarily stationary because of traffic, a traffic~~
19 ~~control device, or other temporary delays. “Operating” does not include~~
20 ~~operating a motor vehicle with or without the motor running when the operator~~

1 has moved the vehicle to the side of or off the public highway and has halted in
2 a location where the vehicle can safely and lawfully remain stationary.

3 ~~(3)~~(2) The prohibitions of this subsection shall not apply:

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

5 (B) ~~To~~ to activation or deactivation of hands-free use, as long as any
6 accessory for securely mounting the device is not affixed to the windshield in
7 violation of section 1125 of this title, provided the portable electronic device is
8 securely mounted or the activation or deactivation is done through an internal
9 feature of the device or the motor vehicle being operated and without the
10 operator utilizing either hand to hold the portable electronic device;

11 (C) ~~When~~ when use of a portable electronic device is necessary for
12 an individual to communicate with law enforcement or emergency service
13 personnel under emergency circumstances or in response to a direction or order
14 from law enforcement;

15 (D) ~~To~~ to use of an ignition interlock device, as defined in section
16 1200 of this title.;

17 (E) ~~To~~ to use of a global positioning or navigation system if it is
18 installed by the manufacturer or securely mounted in the vehicle in a manner
19 that does not violate section 1125 of this title. As used in this subdivision

20 ~~(b)(3)(E), “securely mounted” means the device is placed in an accessory or~~

1 ~~location in the vehicle, other than the operator's hands, where the device will~~
2 ~~remain stationary under typical driving conditions; or~~

3 (F) when the operator has moved the motor vehicle to the side of or
4 off the public highway and has halted, with or without the motor running, in a
5 location where the vehicle can safely and lawfully remain stationary.

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