

23 V.S.A. §4125 - Proposed Changes

(a) Definitions. As used in this section,

(1) “driving” means operating a commercial motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. “Driving” does not include operating a commercial motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

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

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

(4) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either: (A) is utilized in accordance with manufacturer specifications; or (B) causes the portable electronic device to remain completely stationary under typical driving conditions.

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

(6) As used in this section, “texting” means the reading or the manual composing or sending of electronic communications, including text messages, instant messages, or e-mails, using a portable electronic device as defined in subdivision 4(82) of this title.

(b) General prohibition on texting.

(1) No operator shall engage in texting while driving a commercial motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles, or on a public highway in Vermont, including while the vehicle is stationary.

(2) Texting while driving is permissible by operators of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

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

(4) The prohibition does not apply to activation or deactivation of hands-free use, provided the portable electronic device is securely mounted or the activation or deactivation is done through an internal feature of the device or the motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device, to use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle, or when the operator has moved the motor vehicle to the side of or off the public highway and has halted, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.