

1 H.150

2 Introduced by Representatives Grad of Moretown, Heath of Westford, Cheney

3 of Norwich, Donaghy of Poultney, French of Shrewsbury,

4 Keenan of St. Albans City, Koch of Barre Town, Marek of

5 Newfane, Martin of Springfield, Potter of Clarendon, Pugh of

6 South Burlington, Reis of St. Johnsbury and Wizowaty of

7 Burlington

8 Referred to Committee on

9 Date:

10 Subject: Motor vehicles; portable electronic device; adults; handheld use;

11 prohibition; safety belt use; primary enforcement

12 Statement of purpose: This bill proposes to:

13 (1) prohibit handheld use of portable electronic devices by adults

14 operating motor vehicles; and

15 (2) repeal secondary enforcement of safety belt law for adult operators,

16 thus authorizing primary enforcement.

17 An act relating to handheld use of portable electronic devices and primary  
18 seatbelt enforcement

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

20 Sec. 1. 23 V.S.A. § 1095a is amended to read:

1 § 1095a. ~~JUNIOR OPERATOR~~ USE OF PORTABLE ELECTRONIC  
2 DEVICES

3 (a) Hands-free use defined. For the purposes of this section, “hands-free  
4 use” shall refer to the use of a portable electronic device as defined in  
5 subdivision 4(82) of this title that has an internal feature or function, or that is  
6 equipped with an attachment or addition, whether or not permanently part of  
7 the device, by which a user engages in a conversation without the use of either  
8 hand.

9 (b) Adult use prohibited; exceptions. A person 18 years of age or older  
10 shall not use a portable electronic device while operating a moving motor  
11 vehicle on a highway. This prohibition shall not apply to:

12 (1) hands-free use;

13 (2) the selection or entering of a number, name, or password in a  
14 portable electronic device for the purpose of making a phone call or retrieving  
15 messages;

16 (3) an emergency 911 call under emergency circumstances; or

17 (4) use by the following persons for the purpose of and during the  
18 course of performing their official duties:

19 (A) law enforcement officers;

20 (B) firefighters;

1           (C) operators of authorized emergency vehicles as defined in section  
2 4 of this title; and

3           (D) state or municipal employees and their contractors actively  
4 engaged in road maintenance activities.

5           (c) Junior operator use prohibited. A person under 18 years of age shall not  
6 use any portable electronic device as ~~defined in subdivision 4(82) of this title~~  
7 while operating a moving motor vehicle on a highway. This prohibition shall  
8 not apply if it is necessary to place an emergency 911 call.

9           Sec. 2. 23 V.S.A. § 1259 is amended to read:

10          § 1259. SAFETY BELTS; PERSONS AGE 18 AND OVER

11          (a) The operator of a motor vehicle shall be guilty of a violation of this  
12 section if any person 18 years of age and older is occupying a seating position  
13 which has been manufactured with a ~~federally approved~~ federally approved  
14 safety belt system and is not restrained by the safety belt system while the  
15 motor vehicle is in motion on a public highway.

16          (b) A person is required to be restrained in a safety belt system unless:

17               (1) the person is a rural mail carrier of the United States Postal Service  
18 operating a motor vehicle in the performance of employment;

19               (2) the person is a driver or passenger frequently stopping and leaving  
20 the motor vehicle or delivering property from the motor vehicle, if the speed of  
21 the motor vehicle between stops does not exceed 15 miles per hour;

1 (3) the person is the operator of any farm tractor;

2 (4) the person is a member of the emergency personnel of an emergency  
3 motor vehicle and finds it necessary to be unrestrained in order to perform his  
4 or her duties;

5 (5) the motor vehicle the person is occupying is a bus or taxi;

6 (6) the person is required to be otherwise restrained under section 1258  
7 of this title; or

8 (7) the person has been ordered by an enforcement officer, a firefighter,  
9 or an authorized civil authority to evacuate persons from a stricken area.

10 (c) Noncompliance with the provisions of this section shall not be  
11 admissible as evidence in any civil proceeding.

12 (d) Failure to wear a safety belt in violation of this section shall not  
13 constitute negligence or contributory negligence in any civil proceeding or  
14 criminal action, nor be entered as evidence to bar prosecution of a criminal  
15 offense.

16 (e) ~~This section may be enforced only if a law enforcement officer has~~  
17 ~~detained the operator of a motor vehicle for a suspected violation of another~~  
18 ~~traffic offense. An operator shall not be subject to the penalty established in~~  
19 ~~this section unless the operator is required to pay a penalty for the primary~~  
20 ~~offense. [Repealed.]~~

21 (f) The penalty for violation of this section shall be as follows:

- 1           (1) \$25.00 for a first violation;  
2           (2) \$50.00 for a second violation;  
3           (3) \$100.00 for third and subsequent violations.

4       Sec. 3. EDUCATIONAL CAMPAIGN

5           The commissioner of motor vehicles, in consultation with the commissioner  
6           of education, shall formulate a plan to educate operators regarding the  
7           prohibition on the use of handheld portable electronic devices by adults and  
8           primary safety belt enforcement for adult operators.

9       Sec. 4. EFFECTIVE DATE

10           This act shall take effect on July 1, 2011.