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H.262

Introduced by Representatives Smith of Derby, Batchelor of Derby, Gregoire
of Fairfield, Hango of Berkshire, Higley of Lowell, Houghton
of Essex, McCormack of Burlington, and Page of Newport City

Referred to Committee on

Date:

Subject: Motor vehicles; distracted driving; portable electronic devices; work
zones; school zones; texting; civil penalties; point assessments

Statement of purpose of bill as introduced: This bill proposes to change the
penalties and point assessments for violating laws governing the use of a
portable electronic device, including for texting, while operating a moving
motor vehicle on a highway.

An act relating to penalties and point assessments for using a portable
electronic device while operating a moving motor vehicle

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

* * * Use of Portable Electronic Devices * * *

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

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
DEVICES

* * *

1 (d)(1) An individual who violates this section commits a traffic violation as
2 defined in section 2302 of this title and shall be subject to a civil penalty of not
3 less than ~~\$100.00~~ \$25.00 and not more than ~~\$200.00~~ \$50.00 for a first
4 violation, and of not less than ~~\$250.00~~ \$50.00 and not more than ~~\$500.00~~
5 \$75.00 for a second or subsequent violation within any two-year period.

6 (2) An individual convicted of violating this section ~~while operating~~
7 ~~within the following areas shall be subject to a civil penalty of not less than~~
8 ~~\$200.00 and not more than \$400.00 for a first violation, and of not less than~~
9 ~~\$500.00 and not more than \$1,000.00 for a second or subsequent violation~~
10 ~~within any two-year period and shall have four~~ five points assessed against his
11 or her driving record ~~for a first violation and five points assessed for a second~~
12 ~~or subsequent violation:~~

13 (A) ~~a properly designated work zone in which construction,~~
14 ~~maintenance, or utility personnel are present; or~~

15 (B) ~~a school zone marked with warning signs conforming to the~~
16 ~~Manual on Uniform Traffic Control Devices.~~

17 (3) ~~An individual convicted of violating this section outside the areas~~
18 ~~designated in subdivision (2) of this subsection shall have two points assessed~~
19 ~~against his or her driving record. [Repealed.]~~

1 Sec. 2. 23 V.S.A. § 1095b is amended to read:

2 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

3 PROHIBITED

4 * * *

5 (c) Penalties.

6 (1) An individual who violates this section commits a traffic violation as
7 defined in section 2302 of this title and shall be subject to a civil penalty of not
8 less than ~~\$100.00 and not more than \$200.00~~ \$250.00 and shall have four
9 points assessed against his or her driving record for a first violation, and shall
10 be subject to a civil penalty of not less than ~~\$250.00 and not more than \$500.00~~
11 and shall have five points assessed against his or her driving record for a
12 second or subsequent violation within any two-year period.

13 (2) An individual convicted of violating this section while operating
14 within the following areas shall be subject to ~~a~~ an additional civil penalty of
15 ~~not less than \$200.00 and not more than \$400.00 for a first violation, and of~~
16 ~~not less than \$500.00 and not more than \$1,000.00 for a second or subsequent~~
17 ~~violation within any two-year period~~ \$250.00 and shall have ~~four~~ an additional
18 five points assessed against his or her driving record ~~for a first conviction and~~
19 ~~five points assessed for a second or subsequent conviction:~~

20 (A) a properly designated work zone in which construction,
21 maintenance, or utility personnel are present; or

1 (B) a school zone marked with warning signs conforming to the
2 Manual on Uniform Traffic Control Devices.

3 (3) ~~An individual convicted of violating this section outside the areas~~
4 ~~designated in subdivision (2) of this subsection shall have two points assessed~~
5 ~~against his or her driving record. [Repealed.]~~

6 * * *

7 Sec. 3. 23 V.S.A. § 1099 is amended to read:

8 § 1099. TEXTING PROHIBITED

9 * * *

10 (c)(1) An individual who violates this section commits a traffic violation as
11 defined in section 2302 of this title and shall be subject to a civil penalty of not
12 less than ~~\$100.00 and not more than \$200.00~~ \$250.00 and shall have four
13 points assessed against his or her driving record for a first violation, and shall
14 be subject to a civil penalty of not less than ~~\$250.00 and not more than \$500.00~~
15 and shall have five points assessed against his or her driving record for a
16 second or subsequent violation within any two-year period.

17 (2) An individual convicted of violating this section while operating
18 within the following areas shall be subject to ~~a~~ an additional civil penalty of
19 ~~not less than \$200.00 and not more than \$400.00 for a first violation, and of~~
20 ~~not less than \$500.00 and not more than \$1,000.00 for a second or subsequent~~
21 ~~violation within any two-year period~~ \$250.00 and shall have ~~four~~ an additional

1 ~~five~~ points assessed against his or her driving record ~~for a first conviction and~~
2 ~~five points assessed for a second or subsequent conviction:~~

3 (A) a properly designated work zone in which construction,
4 maintenance, or utility personnel are present; or

5 (B) a school zone marked with warning signs conforming to the
6 Manual on Uniform Traffic Control Devices.

7 (3) ~~An individual convicted of violating this section outside the areas~~
8 ~~designated in subdivision (2) of this subsection shall have two points assessed~~
9 ~~against his or her driving record~~ Notwithstanding subsection 2502(b) of this
10 title, an individual who causes a crash resulting in property damage, injury, or
11 death because he or she violated this section shall be subject to a civil penalty
12 of not less than \$500.00 and shall have ten points assessed against his or her
13 driving record.

14 Sec. 4. 23 V.S.A. § 4125 is amended to read:

15 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE

16 VIOLATIONS

17 * * *

18 (b) General prohibition on texting.

19 * * *

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

4 * * *

5 (e) Penalties.

6 (1) An operator who violates this section commits a traffic violation as
7 defined in section 2302 of this title and shall be subject to a civil penalty of not
8 less than \$500.00 and shall have five points assessed against his or her driving
9 record.

10 (2) An operator convicted of violating this section while operating
11 within the following areas shall have an additional five points assessed against
12 his or her driving record:

13 (A) a properly designated work zone in which construction,
14 maintenance, or utility personnel are present; or

15 (B) a school zone marked with warning signs conforming to the
16 Manual on Uniform Traffic Control Devices.

17 * * * Point Assessments * * *

18 Sec. 5. 23 V.S.A. § 2502(a) is amended to read:

19 (a) Unless the assessment of points is waived by a Superior judge or a
20 Judicial Bureau hearing officer in the interests of justice and in accordance
21 with subsection 2501(b) of this title, a person operating a motor vehicle shall

1 have points assessed against his or her driving record for convictions for
2 moving violations of the indicated motor vehicle statutes in accord with the
3 following schedule: (All references are to this title of the Vermont Statutes
4 Annotated.)

5 (1) Two points assessed for:

6 * * *

7 (LL)(+) § 1095. Entertainment picture visible
8 to operator;

9 (ii) — § 1095a(d)(3). ~~Junior operator use of~~
10 ~~portable electronic device~~
11 ~~outside work or school zone;~~

12 (iii) — § 1095b(e)(3). ~~Use of portable electronic~~
13 ~~device outside work or school~~
14 ~~zone;~~

15 (MM) § 1099(e)(3) ~~Texting outside work or~~
16 ~~school zone; [Repealed.]~~

17 * * *

18 (3) Four points assessed for:

19 * * *

20 (E) § 1095a(d)(2) ~~Junior operator use of~~
21 ~~portable electronic device in~~

- 1 ~~work or school zone—first~~
2 ~~offense;~~
- 3 (F) § 1095b(c)(2)(1). Use Handheld use of portable
4 electronic device ~~in~~ outside work or
5 school zone—first ~~offense~~ violation;
- 6 (G)(F) § 1099(c)(2)(1). Texting ~~in~~ outside work or school
7 zone—first ~~offense~~ violation;
- 8 (G) [Repealed.]
- 9 (4) Five points assessed for:
- 10 * * *
- 11 (C) § 1099(c)(2)(1). Texting ~~in~~ outside work or school
12 zone—second and subsequent ~~offense~~
13 violations;
- 14 (D) § 1095a(d)(2). Junior operator use of portable
15 electronic device ~~in work or school~~
16 ~~zone—second and subsequent offenses;~~
- 17 (E) § 1095b(c)(2)(1). Use Handheld use of portable
18 electronic device ~~in~~ outside work or
19 school zone—second and subsequent
20 ~~offenses~~ violations;
- 21 (F) § 4125(e)(1). Texting violations; handheld mobile

1 telephone violations outside work or
2 school zone;

3 (5) Nine points assessed for:

4 (A) § 1095b(c)(2). Handheld use of portable electronic
5 device in work or school zone—
6 first violation;

7 (B) § 1099(c)(2). Texting in work or school zone—
8 first violation;

9 (6) Ten points assessed for:

10 * * *

11 (F) § 1095b(c)(2). Handheld use of portable electronic
12 device in work or school zone—
13 second and subsequent violations;

14 (G) § 1099(c)(2). Texting in work or school zone—
15 second and subsequent violations;

16 (H) § 1099(c)(3). Texting—crash resulting;

17 (I) § 4125(e)(2). Texting violations; handheld mobile
18 telephone violations in work or
19 school zone;

20 * * *

1 * * * Recall of Learner's Permit or Junior Operator's License * * *

2 Sec. 6. 23 V.S.A. § 607a(a) is amended to read:

3 (a) A learner's permit or junior operator's license shall contain an
4 admonition that it is recallable and that the later procurement of an operator's
5 license is conditional on the establishment of a record that is satisfactory to the
6 Commissioner and showing compliance with the motor vehicle laws of this
7 and other states. The Commissioner may recall any permit or license issued to
8 a minor whenever he or she is satisfied, from information provided by a
9 credible person and upon investigation, that the operator is mentally or
10 physically unfit or, because of his or her habits or record as to accidents or
11 convictions, is unsafe to be trusted with the operation of motor vehicles. On
12 recommendation of a diversion or reparative board, the Commissioner may
13 recall the learner's permit or junior operator's license of a person in a diversion
14 or reparative program for up to 30 days. The Commissioner shall also recall
15 any learner's permit or junior operator's license for 30 days when ~~an operator~~
16 ~~is adjudicated of a single texting violation under section 1099 of this title, 90~~
17 ~~days following adjudication of a single speeding violation resulting in a three-~~
18 ~~point assessment~~ a total of at least three points has been accumulated, 90 days
19 when a total of at least six points has been accumulated, or 90 days when an
20 operator is adjudicated of a violation of subsection 614(c) or 615(a) of this
21 title. When a learner's permit or junior operator's license is so recalled, it shall

1 be reinstated upon expiration of a specific term and, if required by the
2 Commissioner, when the person has passed a reexamination approved by the
3 Commissioner.

4 * * * Effective Date * * *

5 Sec. 7. EFFECTIVE DATE

6 This act shall take effect on July 1, 2021.