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H.638

Introduced by Representatives Masland of Thetford, Briglin of Thetford,  
Dakin of Chester, Krebs of South Hero, McCullough of  
Williston, Mrowicki of Putney, Till of Jericho, and Yantachka  
of Charlotte

Referred to Committee on

Date:

Subject: Motor vehicles; portable electronic devices; operation; points

Statement of purpose of bill as introduced: This bill proposes to require the  
assessment of points against a person's driving record for a second or  
subsequent conviction of violating the law that prohibits handheld use of a  
portable electronic device while driving.

An act relating to assessment of points for convictions of violating the law  
against handheld use of portable electronic devices while driving

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

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

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

\* \* \*

1 (c) Penalties.

2 (1) A person who violates this section commits a traffic violation and  
3 shall be subject to a fine of not less than \$100.00 and not more than \$200.00  
4 for a first violation, and of not less than \$250.00 and not more than \$500.00 for  
5 a second or subsequent violation within any two-year period.

6 (2) A person convicted of violating this section while operating within a  
7 properly designated work zone in which construction, maintenance, or utility  
8 personnel are present shall have two points assessed against his or her driving  
9 record for a first conviction and five points assessed for a second or subsequent  
10 conviction.

11 (3) A person convicted of violating this section outside a work zone in  
12 which personnel are present shall not have points assessed against his or her  
13 driving record for a first conviction and shall have two points assessed against  
14 his or her driving record for a second or subsequent conviction.

15 \* \* \*

16 Sec. 2. 23 V.S.A. § 2502 is amended to read:

17 § 2502. POINT ASSESSMENT; SCHEDULE

18 (a) Unless the assessment of points is waived by a Superior judge or a  
19 Judicial Bureau hearing officer in the interests of justice and in accordance  
20 with subsection 2501(b) of this title, a person operating a motor vehicle shall  
21 have points assessed against his or her driving record for convictions for

1 moving violations of the indicated motor vehicle statutes in accord with the  
2 following schedule: (All references are to Title 23 of the Vermont Statutes  
3 Annotated.)

4 (1) Two points assessed for:

5 \* \* \*

6 (LL)(i) § 1095. Entertainment picture visible to operator;

7 (ii) § 1095b(c)(2). Use of portable electronic device in work  
8 zone - first offense;

9 (iii) § 1095b(c)(3). Use of portable electronic device outside work  
10 zone - second or subsequent offense;

11 \* \* \*

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on July 1, 2016.