

S.280

An act relating to prohibiting texting while operating on a highway

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

Sec. 1. 23 V.S.A. § 1099 is added to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section, “texting” means the composing, reading, or sending of electronic communications including text messages, instant messages, or e-mails using a portable electronic device. As used in this section, “portable electronic device” means a portable electronic or computing device including a cellular telephone, personal digital assistant (PDA), or laptop computer.

(b) A person shall not engage in texting while operating a moving motor vehicle on a highway.

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of \$100.00 upon adjudication of a first violation and \$250.00 upon adjudication of a second or subsequent violation within any two-year period.

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

§ 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S  
LICENSE

(a) A learner's permit or junior operator's license shall contain an admonition that it is recallable and that the later procurement of an operator's license is conditional on the establishment of a record which is satisfactory to the commissioner and showing compliance with the motor vehicle laws of this and other states. The commissioner may recall any license issued to a minor whenever he or she is satisfied, from information provided by a credible person and upon investigation, that the operator is mentally or physically unfit or, because of his or her habits or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. On recommendation of a diversion or reparative board, the commissioner may recall the learner's permit or junior operator's license of a person in a diversion or reparative program for up to 30 days. The commissioner shall also recall any learner's permit or junior operator's license for 30 days when an operator is adjudicated of a single texting violation under section 1099 of this title, 90 days following adjudication of a single speeding violation resulting in a three-point assessment ~~or, 90 days~~ when a total of six points has been accumulated, or 90 days when an operator is ~~convicted for~~ adjudicated of a violation of section 678 of this title. When a learner's permit or junior operator's license is so recalled, it shall

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

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Sec. 3. 23 V.S.A. § 2502 are amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

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(LL)	§ 1095.	Operating with television set installed;
(MM)	§ 1099.	<u>Texting prohibited—first offense;</u>
<del>(MM)</del> (NN)	§ 1113.	Illegal backing;
<del>(NN)</del> (OO)	§ 1114.	Illegal riding on motorcycles;
<del>(OO)</del> (PP)	§ 1115.	Illegal operation of motorcycles on roadways laned for traffic;
<del>(PP)</del> (QQ)	§ 1116.	Clinging to other vehicles;
<del>(QQ)</del> (RR)	§ 1117.	Illegal footrests and handlebars;
<del>(RR)</del> (SS)	§ 1118.	Obstructing the driver's view;

- ~~(SS)~~(TT) § 1119. Improper opening and closing vehicle doors;
- ~~(TT)~~(UU) § 1121. Coasting prohibited;
- ~~(UU)~~(VV) § 1122. Following fire apparatus prohibited;
- ~~(VV)~~(WW) § 1123. Driving over fire hose;
- ~~(WW)~~(XX) § 1124. Position of operator;
- ~~(XX)~~(YY) § 1127. Unsafe control in presence of horses and cattle;
- ~~(YY)~~(ZZ) § 1131. Failure to give warning signal;
- ~~(ZZ)~~(AAA) § 1132. Illegal driving on sidewalk;
- ~~(AAA)~~(BBB) § 1243. Lighting requirements;
- ~~(BBB)~~(CCC) § 1256. Motorcycle headgear;
- ~~(CCC)~~(DDD) § 1257. Face protection;
- ~~(DDD)~~(EEE) § 800. Operating without financial responsibility;
- ~~(EEE)~~(FFF) All other moving violations which have no specified points;

\* \* \*

(4) Five points assessed for:

- (A) § 1050. Failure to yield to emergency vehicles;
- (B) § 1075. Illegal passing of school bus;

(C) § 1099. Texting prohibited—second and  
subsequent offenses;

~~(C)~~(D) § 676. Operating after suspension, revocation or  
refusal—civil violation;

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Sec. 4. EDUCATIONAL CAMPAIGN

The commissioner of motor vehicles shall formulate a plan to educate  
operators as to the dangers of operating while texting and the penalties that  
may be imposed pursuant to this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.