

1 H.491

2 Introduced by Representative Malcolm of Pawlet

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; texting while driving; penalties

6 Statement of purpose: This bill proposes to raise the penalties for texting while
7 operating a moving motor vehicle from a \$100.00 fine and an assessment of
8 two points to a fine of not less than \$250.00 and an assessment of three points,
9 and from a fine of \$250.00 for a second or subsequent offense to a fine of not
10 less than \$500.00 for a second or subsequent offense.

11 An act relating to raising the penalties for texting while driving

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

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

14 § 1099. TEXTING WHILE DRIVING PROHIBITED

15 (a) As used in this section, “texting” means the reading or the manual
16 composing or sending of electronic communications, including text messages,
17 instant messages, or e-mails, using a portable electronic device as defined in
18 subdivision 4(82) of this title, but shall not be construed to include use of a
19 global positioning or navigation system.

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

3 (c) A person who violates this section commits a traffic violation as defined
4 in section 2302 of this title and shall be subject to a penalty of ~~\$100.00~~ not less
5 than \$250.00 upon adjudication of a first violation and ~~\$250.00~~ of not less than
6 \$500.00 upon adjudication of a second or subsequent violation within any
7 two-year period.

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

9 § 2502. POINT ASSESSMENT; SCHEDULE

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

14 (1) Two points assessed for:

15 * * *

16 (LL) § 1095. ~~Operating with television set installed~~

17 Entertainment picture visible to the operator;

18 ~~(MM) § 1099. Texting prohibited—first offense;~~

19 ~~(NN)~~(MM) § 1113. Illegal backing;

20 ~~(OO)~~(NN) § 1114. Illegal riding on motorcycles;

21 ~~(PP)~~(OO) § 1115. Illegal operation of motorcycles on

1 roadway laned for traffic;

2 ~~(QQ)~~(PP) § 1116. Clinging to other vehicles;

3 ~~(RR)~~(QQ) § 1117. Illegal footrests and handlebars;

4 ~~(SS)~~(RR) § 1118. Obstructing the driver's view;

5 ~~(TT)~~(SS) § 1119. Improper opening and closing vehicle

6 doors;

7 ~~(UU)~~(TT) § 1121. Coasting prohibited;

8 ~~(VV)~~(UU) § 1122. Following fire apparatus prohibited;

9 ~~(WW)~~(VV) § 1123. Driving over fire hose;

10 ~~(XX)~~(WW) § 1124. Position of operator;

11 ~~(YY)~~(XX) § 1127. Unsafe control in presence of horses and

12 cattle;

13 ~~(ZZ)~~(YY) § 1131. Failure to give warning signal;

14 ~~(AAA)~~(ZZ) § 1132. Illegal driving on sidewalk;

15 ~~(BBB)~~(AAA) § 1243. Lighting requirements;

16 ~~(CCC)~~(BBB) § 1256. Motorcycle headgear;

17 ~~(DDD)~~(CCC) § 1257. Face protection;

18 ~~(EEE)~~(DDD) § 800. Operating without financial

19 responsibility;

20 ~~(FFF)~~(EEE) All other moving violations which have

21 no specified points;

1 * * *

2 (2) Three points assessed for:

3 (A) § 1033. Illegal passing on the left;

4 (B) § 1034. Illegal passing on the right;

5 (C) § 1035. Limitations on passing;

6 (D) § 1036. No passing zone;

7 (E) § 1039. Following too closely;

8 (F) § 1040. Improper driving on divided highway;

9 (G) § 1099. Texting while driving prohibited—first offense;

10 * * *

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2012.