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H.715

Introduced by Representatives Smith of Derby, Batchelor of Derby, Birong of Vergennes, Bock of Chester, Brennan of Colchester, Christensen of Weathersfield, Colston of Winooski, Durfee of Shaftsbury, Gamache of Swanton, Goslant of Northfield, Hango of Berkshire, Hashim of Dummerston, Helm of Fair Haven, Higley of Lowell, Hooper of Randolph, Houghton of Essex, Killacky of South Burlington, Kimbell of Woodstock, LaClair of Barre Town, Morgan of Milton, Page of Newport City, Savage of Swanton, Seymour of Sutton, Smith of New Haven, Terenzini of Rutland Town, Toof of St. Albans Town, Troiano of Stannard, Walz of Barre City, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Motor vehicles; speeding; work zones; school zones; distracted driving; penalties; point assessment

Statement of purpose of bill as introduced: This bill proposes to change the penalties and point assessments for violating laws governing speeding in work and school zones and 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.

1 An act relating to changing penalties for speeding in work and school zones
2 and using a portable electronic device while operating a moving motor
3 vehicle

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

5 * * * Speeding in Work and School Zones * * *

6 Sec. 1. 23 V.S.A. § 1006a(d) is amended to read:

7 (d) Notwithstanding the ~~limit~~ maximum penalty established in section 2302
8 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the
9 civil penalty for ~~violation of~~ violating a speed ~~limits~~ limit established under
10 subsection (b) of this section shall be twice the penalty for a non-worksite
11 speed ~~violations~~ limit violation.

12 Sec. 2. 23 V.S.A. § 1010(b) is amended to read:

13 (b) Notwithstanding the ~~limit~~ maximum penalty established in section 2302
14 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the
15 civil penalty for ~~violation of~~ violating a speed ~~limits~~ limit established under the
16 worksite provision of this section shall be twice the penalty for a non-worksite
17 speed ~~violations~~ limit violation.

18 Sec. 3. 23 V.S.A. § 1081 is amended to read:

19 § 1081. BASIC RULE AND MAXIMUM LIMITS; SCHOOL ZONES

20 * * *

21 (e) Notwithstanding the maximum penalty established in subsection
22 2302(c) of this title and the waiver penalties established pursuant to 4 V.S.A.

1 § 1102(d), the civil penalty for violating a State or municipal speed limit in a
2 school zone designated with signs in accordance with 19 V.S.A. § 921 shall be
3 twice the penalty for a non-school zone speed limit violation.

4 * * * Distracted Driving * * *

5 Sec. 4. 23 V.S.A. § 1095a is amended to read:

6 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
7 DEVICES

8 (a) ~~A person~~ An individual under 18 years of age shall not use any portable
9 electronic device as defined in subdivision 4(82) of this title while operating a
10 moving motor vehicle in a place open temporarily or permanently to public or
11 general circulation of vehicles.

12 (b) In addition, ~~a person~~ an individual under 18 years of age shall not use
13 any portable electronic device while operating a motor vehicle on a public
14 highway, including while the vehicle is stationary, unless otherwise provided
15 in this section. As used in this subsection:

16 * * *

17 (c) The prohibitions of this section shall not apply when use of a portable
18 electronic device is necessary for ~~a person~~ an individual to communicate with
19 law enforcement or emergency service personnel under emergency
20 circumstances.

1 (b) Use of handheld portable electronic device prohibited.

2 (1) ~~A person~~ An individual shall not use a portable electronic device
3 while operating a moving motor vehicle in a place open temporarily or
4 permanently to public or general circulation of vehicles.

5 (2) In addition, ~~a person~~ an individual shall not use a portable electronic
6 device while operating a motor vehicle on a public highway in Vermont,
7 including while the vehicle is stationary, unless otherwise provided in this
8 section. As used in this subdivision (b)(2):

9 * * *

10 (3) The prohibitions of this subsection shall not apply:

11 * * *

12 (C) When use of a portable electronic device is necessary for a
13 ~~person~~ an individual to communicate with law enforcement or emergency
14 service personnel under emergency circumstances.

15 * * *

16 (c) Penalties.

17 (1) ~~A person~~ An individual who violates this section commits a traffic
18 violation as defined in section 2302 of this title and shall be subject to a ~~fine~~
19 civil penalty of not less than ~~\$100.00 and not more than \$200.00~~ \$250.00 and
20 shall have four points assessed against his or her driving record for a first
21 violation, and shall be subject to a civil penalty of not less than ~~\$250.00~~ and

1 ~~not more than~~ \$500.00 and shall have five points assessed against his or her
2 driving record for a second or subsequent violation within any two-year period.

3 (2) ~~A person~~ An individual convicted of violating this section while
4 operating within the following areas shall be subject to an additional civil
5 penalty of \$250.00 and shall have four an additional five points assessed
6 against his or her driving record ~~for a first conviction and five points assessed~~
7 ~~for a second or subsequent conviction:~~

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

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

12 ~~(3) A person convicted of violating this section outside the areas~~
13 ~~designated in subdivision (2) of this subsection shall have two points assessed~~
14 ~~against his or her driving record.~~

15 (d)(1) Operators of commercial motor vehicles shall be governed by the
16 provisions of chapter 39 of this title (Commercial Driver License Act) instead
17 of the provisions of this chapter with respect to the handheld use of mobile
18 telephones and texting while operating a commercial motor vehicle.

19 (2) ~~A person~~ An individual shall not be issued more than one complaint
20 for any violation of this section, section 1095a of this title (junior operator use

1 of portable electronic devices), or section 1099 of this title (texting prohibited)
2 that arises from the same incident.

3 Sec. 6. 23 V.S.A. § 1099 is amended to read:

4 § 1099. TEXTING PROHIBITED

5 * * *

6 (b)(1) ~~A person~~ An individual shall not engage in texting while operating a
7 moving motor vehicle in a place open temporarily or permanently to public or
8 general circulation of vehicles.

9 (2) In addition, ~~a person~~ an individual shall not engage in texting while
10 operating a motor vehicle on a public highway in Vermont, including while the
11 vehicle is stationary, unless otherwise provided under this section. As used in
12 this subdivision (b)(2):

13 * * *

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

1 (3) Four points assessed for:

2 * * *

3 (E) ~~§ 1095a(d)(2).~~ Junior operator use of portable electronic
4 device in work or school zone—first
5 offense;

6 ~~(F) § 1095b(c)(2)(1).~~ Use of portable electronic device in
7 work or school zone—first offense
8 violation—outside work or school zone;

9 (F) § 1099(c)(1). Texting—first violation—outside work
10 or school zone;

11 (4) Five points assessed for:

12 * * *

13 (D) § 1095a(d)(2). Junior operator use of portable electronic
14 device in work or school zone—second
15 and subsequent offenses;

16 (E) § 1095b(c)(2)(1). Use of portable electronic device in
17 work or school zone—second and
18 subsequent offenses violations—outside
19 work or school zone;

20 (F) § 1099(c)(1). Texting—second and subsequent
21 violations—outside work or school zone;

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

19 * * *

