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HOUSE BILL NO. 233

Offered January 11, 2006

Prefiled January 3, 2006

A BILL to amend the Code of Virginia by adding a section numbered 46.2-1078.1, relating to the operation of motor vehicles while using certain wireless communication devices; fine.

Patron—Jones, D.C.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1078.1 as follows:

§ 46.2-1078.1. Use of certain wireless communication devices prohibited in moving motor vehicles.

A. The use of a wireless communication device by the operator of a moving motor vehicle on a public road or highway is prohibited unless the device is designed for hands-free communication and is being used in that manner.

B. The prohibitions set forth in this section shall not be applicable if the operator:

1. Is performing his official duties as a law-enforcement officer, a member of a volunteer fire department, or an operator of an emergency vehicle as defined in § 46.2-920;

2. Has reason to fear for his life or safety, or is witness to or may be victim of a criminal act;

3. Is reporting an emergency, including but not limited to, a fire, a traffic accident, or a serious road hazard; or

4. Is initiating or terminating a telephone call or turning the wireless device on or off.

C. For purposes of this section, wireless communication devices shall not include:

1. Electronic displays used in conjunction with vehicle navigation systems;

2. Closed-circuit video monitors designed to operate only in conjunction with dedicated video cameras and used in rearview systems on trucks and motor homes; and

3. Television receivers or monitors used in government-owned vehicles by law-enforcement officers and employees of the Virginia Department of Transportation in the course of their official duties.

D. A driver may be fined not more than $50 for violating this section. No driver demerit points shall be assessed by the Department for this offense.