

## 2009 SESSION

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### HOUSE BILL NO. 2380

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-1078.1, relating to the use of wireless telecommunications devices for text messaging or emailing while operating certain vehicles; penalty.*

Patron—Scott, J.M.

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 telecommunications devices for text messaging and emailing prohibited; penalty.*

A. *Except when lawfully parked or stopped, no person shall operate a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any email or text message. The foregoing provisions of this section shall not be deemed to prohibit using an electronic wireless telecommunications device for the purpose of making or receiving a telephone call. For purposes of this section, wireless telecommunications device does not include global positioning systems (GPS).*

B. *The foregoing provisions of this section shall not apply to the operator of any emergency vehicle as defined in § 46.2-920 or any person using a wireless telecommunications device to report an emergency.*

C. *A violation of any provision of this section shall constitute a traffic infraction punishable, for a first offense, by a fine of \$20 and, for a second or subsequent offense, by a fine of \$50.*

D. *No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.*

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