

# 2009 SESSION

## SENATE SUBSTITUTE

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### SENATE BILL NO. 874

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation  
on January 22, 2009)

(Patrons Prior to Substitute—Senators Ticer and Blevins [SB 966])

A BILL to amend the Code of Virginia by adding a section numbered 46.2-1078.1, relating to use of wireless telecommunications devices while operating a motor vehicle.

**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. Restricted use of mobile telephone and other wireless electronic telecommunications devices.

No person shall use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

The provisions of this section shall not apply to the following:

1. Emergency use of a mobile telephone or other wireless electronic telecommunications device, including calls to 911 or 311, a hospital, an ambulance or other emergency medical services provider, a fire department, or a law-enforcement agency;

2. Use of a mobile telephone or other wireless electronic telecommunications device by law-enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties;

3. Initiating or terminating a telephone call, or turning the telephone on or off; or

4. Use of a mobile telephone or other wireless electronic telecommunications device while lawfully parked or stopped.

The provisions of this section shall not apply to any professional driver. For purposes of this section, "professional driver" means an individual who is engaged as a regular operator of and who is actually operating a vehicle that normally carries passengers or property for compensation.

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