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SENATE BILL NO. 574

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to the use of wireless telecommunications devices in motor vehicles.

Patrons—Ticer, Howell, Marsden and Puller; Delegate: Plum

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1078.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1078.1. Use of wireless telecommunications devices in certain motor vehicles; exceptions; penalty.

A. It shall be unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any ~~handheld personal communications~~ *wireless telecommunications* device to:

1. *Initiate or answer any call or talk on the device, unless it is configured for hands-free operation and provided it is being used in the hands-free mode;*

2. Manually enter multiple letters or text in the device as a means of communicating with another person; or

~~2~~*3*. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle;

2. An operator who is lawfully parked or stopped;

3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; ~~or~~

4. Any person using a ~~handheld personal communications~~ *wireless telecommunications* device to report an emergency*; or*

5. The use of two-way radio devices.

C. 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.

D. 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.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while engaged in the performance of official duties;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.