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## HOUSE BILL NO. 1630

Offered January 12, 2011

Prefiled January 10, 2011

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—Watts, Herring and Plum; Senators: Howell and Whipple

Referred to Committee on Militia, Police and Public Safety

**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 cellular telephones or 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~~ *cellular telephone or other wireless telecommunications* device to:

1. *Initiate or answer any call or talk on the device, regardless of whether it is configured for hands-free operation;*

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

23. 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~~ *cellular telephone or other wireless telecommunications* device to report an emergency; *or*

5. *The use of two-way citizens band 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 *moving* 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 *for 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 is punishable as a Class 3 misdemeanor.~~

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.

INTRODUCED

HB1630