

12103144D

HOUSE BILL NO. 415

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to operating moving motor vehicles while engaged in other activities; penalties.

 Patron—Watts

 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. Operating a moving motor vehicle while engaged in other activities; penalties.

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

1. ~~Manually enter multiple letters or text in the device as a means of communicating with another person~~ Use a wireless telephone or other wireless telecommunications device without a hands-free apparatus or feature to make or receive telephone calls; ~~or~~

2. ~~Read~~ Use a wireless telephone or other wireless telecommunications device to 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;

3. Search for an item that is not within immediate arm's reach of the operator and that cannot be accessed without causing the operator to remove his eyes from the road; or

4. Attend to any form of personal hygiene or grooming.

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 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 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 \$40 and, for a second or subsequent offense, by a fine of \$50 \$100.

E. 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

HB415